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BROKEN PLEDGES

A Documentary Survey of Great Britain's Palestine Policy

1917 — 1947

by

R. M. J. Rosenberg

~~Preliminary Draft~~
Not to be Published

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Preface

A new book on the Palestine problem demands, if not an apology, at least an explanation. The need has long been felt for an authoritatively documented survey of British policy relating to the Jewish National Home from the publication of the Balfour Declaration on November 2nd, 1917, to the present day[1], which would throw the cold hard light of fact upon the mass of emotion and ignorant prejudice generally unavoidable in a discussion of this thorny subject. This compilation, while in no sense complete, endeavours to fill that need.

Broken Pledges is, thus, not a history of Zionism. It is not an analysis of British rule in Palestine, nor does it seek to give reasons for the virtual breakdown of that rule. The backbone of the book is a representative selection of the most important official declarations, documents and statements bearing on the administration of the Mandate for Palestine during the past twenty-five years. The vast bulk of the material used has been taken from non-Jewish sources -- mainly statements of policy made by successive British Governments, reports of various official commissions, and extracts from the minutes of the proceedings at sessions of the Permanent Mandates Commission of the League of Nations. For the sake of continuity, however, excerpts of certain authoritative statements and memoranda published by the Jewish Agency for Palestine have also been included.

The Mandate for Palestine, which incorporates the Balfour Declaration, has been the subject of considerable comment and interpretation since its ratification by the League Council on July 24th, 1922. As will be seen in the following pages, it is the contention of the Jewish people as represented by the Zionist Movement that the terms of the Mandate are sufficiently clear in their recognition of the "historical connection of the Jewish people with Palestine" and "the grounds for reconstituting their national home in that country" and in their enjoinder to

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[1] At the time of writing, the most recent statement of British policy is that of Mr. Earnest Bevin, Foreign Secretary in the present Labour Government, who announced on February 25th, 1947, that the whole question would be submitted to the General Assembly of the United Nations. ~~Organization.~~

the Mandatory to place "the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home", to "facilitate Jewish immigration under suitable conditions", and to "encourage, in co-operation with the Jewish Agency..... close settlement by Jews on the land", as to admit of no controversy. This contention has received powerful support from many British statesmen, a number of whom have an intimate knowledge of the subject either through their personal participation in the negotiations which led up to the issue of the Balfour Declaration and the entrusting of the Palestine Mandate to Great Britain, or through close acquaintance while in office or opposition. Excerpts from speeches and statements made by these gentlemen are reproduced. This book, therefore, does not confine itself to the presentation of a compilation of a series of official documents, but also contains expressions of opinion which may be regarded as authoritative. The present writer thus disclaims responsibility for any views not expressly stated as his own -- their authors are generally to be found in the House of Commons, and quite frequently on the Government Front Bench.

No originality is claimed for this volume. The Jewish people, the Zionist Movement and the National home have had more than adequate treatment at the hands of countless authors for the past two thousand years. All the documents, declarations and statements contained in the following pages have had wide publicity - so wide, in fact, that many of them have become to be regarded as creations of Zionist propaganda. If then there is any merit to be found here it may perhaps be found in the dispassionate portrayal of the gradual transformation of a pledge made in all honour and in all sincerity twenty-nine years ago into a worthless scrap of paper.

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CHAPTER I

ZIONISM - A HISTORICAL SURVEY

Contrary to a widespread belief, Zionism is not a creation of the Balfour Declaration, nor - an even more popular theory - is its raison d'etre the settlement of a hundred thousand displaced persons in Palestine. Zionism - only the name and the political formulation are modern - is nearly as old as the Christian religion. It is the first, the oldest, and the most tenaciously supported of all move-

ments of national revival.

Eighteen hundred and twelve years ago, in 135 C.E., the Romans crushed the last of a succession of Jewish revolts[1] against their rule in the Province of Judaea, destroyed over a thousand towns and villages, including the holy city of Jerusalem, put 600,000 Jews to death and enslaved and exiled most of the survivors. This date marked an end and a beginning. The end of the national life of the Jewish people in its own land, and the beginning of that hope and dream of a return to Zion which has preserved and sustained the People of Israel through eighteen centuries of dispersion.

The continued survival of the Jews as a distinct national entity must be regarded as an extraordinary reversal of the normal process of historical evolution. The Phoenecians had their hour of greatness, and disappeared; the Goths flashed like a bright sword across the face of Europe, and are no more; the Angles, the Saxons and the Normans played their brief parts on the stage of history, and have vanished as individual peoples. Only the Jews - - that bridge between the ancient world and the new- remain, obstinately asserting their right to live, in spite of unremitting persecution and devoid of all the normal attributes of nationhood, such as a land, a common language and a common political allegiance. There have been many explanations for this phenomenon, ranging from the devout belief that Israel has a Divine mission to spread light and understanding in a godless world, to the theory that Jews have survived because they have a specific economic function to perform. There may be some measure of validity in all these theories, although, to take the latter only, it is difficult to see what the specific economic function of the Jews has been since the rise of a Christian merchant and banking class in the Middle Ages. The real reason must be sought elsewhere - Jewish history and tradition provide it without difficulty.

Ever since the dispersion, through Roman helotry, through Spanish inquisition, through Crusader massacre,

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[1] Bar Kochba's revolt, 132 - 135 C.E. It had been preceded by the Judaean War (65-70 C. E.) in which over a million Jews were estimated to have been killed by the Roman legions commanded by Vespasian and his son Titus.

through Russian pogrom and through German atrocity, the Jewish spirit has been sustained and the Jewish body preserved by a deep and abiding faith in the eventual return of the People of Israel to their ancient homeland. This faith has been enshrined in their poetry and their philosophy, in their liturgy and their law. The Jew has ever regarded himself as an exile, a temporary sojourner on a foreign soil. His house might be on any of the five continents, but his home was always in Jerusalem, for it was "better to live in the deserts of Palestine than in palaces abroad".* When a Jew prayed to his God, he turned towards the holy Mount Moriah. At the Day of Atonement and the feast of Passover, he closed his prayers with the cry, "Next year in Jerusalem". The History and geography of the Holy Land were known to him at least as well as those of the lands of his exile, for his days of rejoicing and of sorrow were but commemorations of incidents in the story and daily life of Zion. No religion is as national as that of the Jews. The ritual of the synagogue, was a constant reminder and emphasis of the Dispersion and the eventual return. Even when praying for rain, the Jew was conscious of the calendar and seasons of Palestine and not of those of his dwelling place.

The Return to Zion was similarly the central theme of all Jewish literature, both religious and secular, from the earliest years of the Dispersion until modern times. In poetry and prose, in law and commentary, Jewish writers dwelt on the glories of their ancient state and gave expression to the longing for its revival. A large body of rabbinical law was created expressly to deal with the personal status of Jews who journeyed or dwelt in Palestine. A Jew whose wife refused to accompany him to Palestine, was for example, able to claim divorce on these grounds, (Ketuvot, 106B. Circa 1. Similarly, the prohibition of business transactions on the Sabbath was waived in the case of a property purchase in the Holy Land, (Gittin, 8b. Circa).

Zionism is, then, not a novel political theory held by a minority of nationalist extremists. It is not a

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*Bereshith Raba, 39. A mediaval Rabbinical writing circa

humanitarian project designed for the rescue and rehabilitation of refugees. Fundamentally, it is not even a prophylactic measure against anti-semitism. Zionism as we know it today is the expression, in theory and practice, of the oldest and most precious tradition of the Jewish people. The belief in the Return to Zion is woven, inextricably, into the fabric of Jewish life. Without it, there would be no distinctive Jewish religion, no philosophy, no letters and no law. Even more - there would be no Jews. A people without ideals to strive for and without the strength, either spiritual or physical, to defend those ideals must die out. The Jews, weak in numbers and influence, have lived, because their faith in the reconstitution of their national homeland has been the source of life.

It is thus clear that Zionism does not owe its existence to declarations, international agreements or statements of policy, nor does it depend on them. These are but political formulae, now interpreting, now disguising and now seeking to deny the ideal and reality of Jewish history. With them or without them the Jews will return to Zion - Jewish history, Jewish traditions and Jewish needs make it inevitable.

Jewish history since 135 C.E. is a record of wandering, of suffering and of persecution briefly interspersed with a few fleeting hours of peace and security. The suppression of Bar Kochba's revolt divided the nation, like Caesar's Gaul, into three parts - more or less the same division that obtains today. The first and greatest part was exiled over the water, and as slaves or merchants, followed the Roman legions into Italy, France and Germany to become the forbears of the great Askenazic communities of Europe and America. Another large group crossed the land borders of Palestine and penetrated to Egypt, North Africa, Syria, Iraq, Persia, Yemen and other countries in the Near and Middle East, where their descendants, the so-called Oriental Jews, still eke out a precarious existence. Some of this second group later followed the Moorish conquerors into Spain whence, after some 400 years of comparative freedom from persecution, they were expelled by Ferdinand and Isabella in 1492, to reform their shattered communities in Holland and on the Mediterranean seaboard. This group became known as the Sephardim (Hebrew - Spaniards) and still constitute a large and influential part of the Jewish communities of Italy, Greece, Bulgaria, Turkey, Palestine and Egypt. The third subdivision of the Jewish nation was formed of those who, despite the

Roman tyranny during the first years of the Conquest, succeeded in remaining in Palestine. These, for some four hundred years, were permitted a certain measure of local autonomy under their own Nasi (Heb.-Prince). According to the Palestine Talmud which was written during this period the Jews were a large and prosperous community mainly engaged in agriculture and crafts and in possession of most of the land of Palestine and Transjordan.* After the fall of the Romans, the Jews of Palestine underwent the normal vicissitudes of a subject people in a highly coveted, and thus frequently overrun, territory. Palestine was conquered successively by the Byzantine Empire, the Persians, Arabs, Crusaders, Mongols, Mamelukes and Turks, and the fortunes of the Jews rose or fell according to the personal whim of the conquerors. The blackest periods of persecution were those of the Byzantine and Crusader occupations - so much so, that the four hundred thousand Jews living with little or no restriction in the country during the reign of Caliph Omar (637 C.E.) had dwindled to about three thousand in 1167, just thirty years after the fall of the Latin Kingdom. On the other hand, except for odd outbreaks of fanaticism occasioned mainly by dynastic quarrels, the Jews enjoyed fairly tolerable conditions under Moslem rule, particularly during the rule of the Ayubides (Saladin's dynasty - Kurds) and the early years of the Mameluke dynasty (Egyptian). This tradition of tolerance was continued at the beginning of the Turkish dominion of Palestine, which, except for a brief Egyptian occupation from 1832 to 1840, lasted exactly four hundred years (1517-1917). However, as the Ottoman Empire declined in power, resulting in the suzerainty of its various provinces being put in the hands of semi-independent administrators whose inefficiency was only exceeded by their corruption, the position of subject races speedily worsened. The Jews, as was to be expected, were the victims of a large share of the rapacity and viciousness which gave the Turks their evil reputation in history and, until they were afforded legal protection of the British Consulate in 1840 and later the physical protection of the Watchmen's Organization (Hashomer, founded 1907-1909) established to defend the new Jewish settlements, their position was precarious in the extreme. So precarious, in fact, that a very large proportion lived on charitable contributions from their more fortunately placed co-religionists abroad. Nevertheless,

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*The village of Pek'in in Galilee was one of the most important Jewish centres of that time. Until about 1938 the majority of the inhabitants of this village were Jews descended in an unbroken line from the original Israelites, and thus forming the most ancient Jewish agricultural community in the country,

by immigration and natural increase, the Jewish population had reached the figure of about 55,000 souls by the time General Allenby made his victorious entry into Jerusalem on December 8th, 1917.

It must not, however, be supposed that this Jewish community in Palestine existed in vacuo, divorced from the main stream of Jewish life in the Diaspora. During the four hundred years following the suppression of Bar Kochba's Revolt, Palestine was officially regarded by the Romans as the national home of the Jewish People whose Nasi was recognized as the spiritual and temporal head of Jews throughout the Roman Empire. During this period numerous institutes of learning were established at Yavne and Tiberias in Galilee whose memorial is that great commentary on Jewish law and custom known as the Jerusalem Talmud. Later, under Byzantine, Arab and Seljuk Turk rule, when the temporal forms of nationhood had already been destroyed, Palestine - particularly Galilee with its two holy cities of Tiberias and Safed - still remained the supreme moral and spiritual authority of Jewry. The standard text of the Bible known as the Massoretic (Hebrew-Masoretic tradition) text after the group of scholars and grammarians (Massoretes) who determined it - dates from this period (8th and 9th centuries). The position deteriorated under the oppressive regimes of the first Moslem Empire, the Egyptian Caliphate and the Latin Kingdom established by the Crusaders, so that the leadership of the Jews of Palestine passed into other hands - notably those of the Jews of Spain who were experiencing a spiritual and intellectual revival unparrelleled since the days of the Jewish State. This period of stagnation persisted until the sixteenth century when, following the expulsion of the Jews from Spain, Palestine regained its commanding position in the fields of Jewish philosophy and letters - particularly in the study and development of the philosophy of Jewish mysticism known as the Kabbala. This revival was, however, only temporary and for the next four hundred years of Turkish rule the Holy Land was a sluggish backwater to Jew, Moslem and Christian alike until resuscitated by modern Zionism.

Despite the known tribulations suffered by the Jews of Palestine, the hope of Return to Zion was never relegated to the status of an unattainable ideal, nor was it ever satisfied by the existance of a spiritual centre supported by charitable contributions from the Diaspora. The vision was throughout the centuries, converted into reality by a constant flow of Jews from all corners of the world. Prior to the

thirteenth century this immigration came mainly from neighboring countries-most frequently in the form of pilgrimages at the time of the Holy days, although there were many, like the poet Yehuda Halevi and the philosopher Maimonides, who came from afar to spend their last days on the hallowed soil of the land of Israel. Subsequent immigration, took the form of small or large scale movements confined as a rule to one country of origin at each particular period, similarly to the clearly defined waves of immigration of the past sixty years. France and England were the birthplaces of the large number of Rabbis and their disciples who came to settle at the beginning of the thirteenth century; Italy provided the next contingent in the fifteenth; while the Expulsion of the Jews from Spain and Portugal in 1492 resulted in a considerable influx of members of that cultivated and progressive community during the next two hundred years. The Jews of Eastern Europe - the Ashkenazim + first appeared on the scene at the beginning of the 18th century after a series of Cossack pogroms in the Ukraine had provided the spur for the realization of their dreams. Thereafter the main body of Jewish immigrants into Palestine were Eastern European Askenazim whose numbers, swelled by small groups of Oriental Jews from Persia, Bokhara, Yemen and North Africa, increased considerably during the closing years of the Turkish regime.

At the end of the nineteenth century an event of profound significance occurred with the foundation of the agricultural villages of Rishon Le Zion, Rosh Pina and Samarin*, in 1882, by members of an organization of Russian and Rumanian Jewish students known as Bilu** . This was the first step in the translation of the ideal of the return to Zion into practical channels. For the first time in over seventeen centuries Jews had gone back to the Land of Israel not to weep, not to pray and not to die, but to work, to live and restore their broken nationhood.

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* Named changed later to Zichron Yaakov (Jacob's memorial) in honour of Baron Edmond de Rothschild's father.

** Initial letters of the Hebrew sentence Beit Israel Lechu Venelcha (House of Israel arise and go forth)

For the first time in seventeen centuries it was realized that hoping and dreaming would not bring Zion any nearer unless the hopes and the dreams were released from the prison house of tradition and put to work on the fields of Palestine.

The arrival of the Bilu group was the first practical expression of the movement which is now known as political Zionism - that is the translation of a largely religious impulse into secular terms. The idea was not new. It had been propounded by, among others, Disraeli (Tancred), George Eliot (Daniel Deronda), President Adams of the United States, Napoleon, Laurence Oliphant and Lord Shaftesbury, who had all recognized - whether from reasons of state, humanitarian feelings or a sense of justice - that the restoration of the Jewish state was a historical necessity. The first outstanding Jewish exponent of the idea in modern times, and thus the man who might well be called the father of Zionism, was an obscure Rabbi of Thorn in East Prussia, Zvi Hirsch Kalisher, who, fifty years before the foundation of Rishon le Zion, Rosh Pina and Zichron Ysakov, urged the necessity of the return to Palestine. In his book "Drishat Zion" (The Quest of Zion) published in 1861, he argued that the reconstitution of the Jewish nation in its ancient homeland was an imperative need that could only be realized by self-help and not by a fruitless waiting for the Messiah. Kalischer broke new ground by not confining himself to a mere exposition of the theme of Jewish statehood, but actually propounded a practical colonisation plan, which formed the basic aims of the first Zionist Association founded at Frankfurt-on-der-Oder in 1861, and later established in Berlin in 1864 as the "Society for the Colonisation of the Land of Israel".

Kalischer's energy and enthusiasm had an immediate response. Jews throughout western Europe were electrified

by the novelty of the belief that the Return to Zion could be made a matter of practical politics, and numerous schemes and plans were produced to bring this about. One of the outstanding protaganists of the ideast this time was Moses Hess (1812-1875) who after a long career of activity in the rising Social Democratic movement in Germany, during which period he was completely estranged from Jewish life, wrote the classic "Rome and Jerusalem" advocating the cause of Jewish nationalism, wherein he went so far as to advocate that Jews give up their hardly won emancipation from the Ghetto if this proved incompatible with Jewish nationalism.

The Jews of Eastern Europe, influenced in some measure by the reawakening in the west, but largely of their own volition, had meanwhile developed a similar movement. Two interdependent factors were responsible for the emergence of political nationalism among Eastern European Jewry, who then comprised over half of the total Jewish population of the world, concentrated mainly in the Russian provinces of Poland, Lithuania, Ukraine, Bessaratia and Crimea. These Jews lived under conditions of medieval tyranny - the prey alike of the rapacity of the landowners and the ignorant prejudice of the peasantry. They were not permitted to own property, engage in professions or even move from their places of residence without permission. They were at all times subject to arrest, imprisonment and death at the hands of their feudal masters. This form of life obviously left its mark. Denied all contact with the main stream of western civilization, the Jews of Eastern Europe steeped themselves in the study of Jewish religion, tradition and mysticism. A particular type of human being was the result of this process - intelligent, honest and deeply moral as a result of the abiding influences of the Jewish tradition which formed the basis of his life, but neurotic, ignorant and narrow by reason of the insecurity

and abnormality of his existance.

The first stirrings of revolt came in the first half of the nineteenth century with the foundation of the Haskalah (enlightenment) movement whose protagonists (the Maskilim) sought to break down the barriers which seperated Jews from the world by an emphasis on secular studies as against the traditional Jewish preoccupation with the Talmud and other religious writings. Although most of their writing was in the Hebrew language, which experienced a remarkable revival in that period, the Maskilim believed that the only way to emancipation was that of assimilation, and thus attacked the religious basis of Jewish life with fanatical fervour.

Disillusionment was not slow in coming. In 1881, Tsar Alexander II of Russia was assassinated and a wave of reaction against his 'liberal' policies set in. The Jews, as always, were the main sufferers. Emancipation via assimilation was killed by the pogroms, and the Haskala movement was compelled to adjust itself to the new realities. A large section joined the emerging socialist movement, and endeavoured to find salvation for the Jewish people through revolutionary activity. A larger section, however, developed a synthesis between their new-found western culture and the old traditions and found the answer to the Jewish problem in nationalism.

This nationalist movement - known as Hibbath Zion (love of Zion) - actually antedated the pogroms by about twenty years, but there is no doubt that the Russian barbarism of 1881 and 1882 was the ~~fire~~ crucible in which it was tempered. Jews throughout the world realized that their position was untenable, that neither the old orthodoxy nor the new assimilation provided the answer, and that the translation of the ancient dream of the Return into a modern political framework was their only hope of survival. The

idea was expressed with particular vividness by Leo Pinsker in a pamphlet entitled "Auto-Emancipation" (1882):

"We do not count as a nation among other nations, and we have no voice in the council of the peoples, even in affairs that concern ourselves. Our fatherland is an alien country, our unity dispersion, our solidarity the general hostility to us, our weapon humility, our defence flight, our originality adaptibility, our future tomorrow."

The movement spread rapidly throughout Russia, and later established itself in Germany, Austria, Rumania, England, and the United States. The principal activities of the various societies of Hovevei Zion (Lovers of Zion) which sprang up in these countries were the propagation of the idea of Jewish nationalism, and the encouragement and support of agricultural colonisation in Palestine. Unfortunately, only the first of these two activities met with much success. Hibbath Zion became an increasingly important factor in Jewish life, but the realisation of the ideal met with almost insuperable difficulties. The colonists arrived in Palestine armed with enthusiasm, but little else -- of the practical work of farming they knew nothing. Their lack of experience, coupled with the hostility of the Turkish rulers, soon reduced them to a state of destitution which the Lovers of Zion, lacking adequate means, were unable to alleviate. The experiment was saved from collapse by the munificence of Baron Edmond de Rothschild who poured millions of francs into the country, but as this support was of a purely philanthropic nature and hedged in with conditions which in large measure negated the ideals of Hibbath Zion, the fortunes of the movement reached a low ebb by the closing years of the century.

Recovery, under curiously reminiscent circumstances, was not long in coming. Just as the 1881 -82 pogroms in Russia had provided the impulse for the spread of Hibbath Zion, so did a new outbreak of anti-semitism - this time in the enlightened

west - bring the Zionist Organisation into existence. In 1894, Captain Alfred Dreyfus, a French Jewish staff officer, was falsely accused of treason to the Republic, found guilty on the basis of manufactured evidence and sentenced to life imprisonment on Devil's Island. The violent passions aroused by the Dreyfus case had profound repercussions in France, but even more far reaching was their effect upon the subsequent history of the Jewish national movement. Among the journalists attending the trial was the Paris correspondent of the Viennese "Neue Freie Presse", Dr. Herzl. Until that time, Herzl had been remote from the life of his people - he was, in his way of life, his wide European culture and his very appearence, the epitome of the assimilation to which the emancipators of Germany and the Maskilim of Russia had aspired. The anti-semitic passions which rocked France in 1894 caused him to undergo a personal revolution. He felt that the basis of his life had been swept away and that he, no less than the vast mass of Eastern European Jewry to whom he was, in some vague and tenuous way, kin were doomed to destruction unless a speedy solution were found to the Jewish problem - which he realised was homelessness. He elaborated the these in a pamphlet "Der Judenstaat" written in 1895, and arrived at the conclusion that the establishment of a Jewish state under international guarantee was the only way out for the Jews who would then, after centuries of hopeless wandering over the face of the earth, be able to live in peace and dignity as other peoples. Unlike most of the previous writers on the subject, with whose works he was in any case quite unacquainted, he presented detailed plans for the politica and economic organs which would be required for the foundation of the new state. A Society of Jews was to be the political instrument, while a Jewish Company was to undertake the economic and financial organisation.

"Der Judenstaat" was published in German, English, and French at the beginning of 1896, and aroused immediate attention in both Jewish and Gentile circles. Assimilationists, who saw in the new nationalism an undermining of their hard won positions in western life, and the ultra-orthodox who preferred to await the Messiah, were antagonistic, but the vast bulk of Jewry accepted Herzl's thesis with enthusiasm. The greatest support came, of course, from Eastern Europe where the ground had been prepared by the Love of Zion movement and where the political social and economic distress of the hapless Jewish communities made an immediate solution imperative. Herzl spent the next year and a half in political negotiation with various European Governments in order to enlist support, and after sounding Jewish opinion throughout the world, called the First Zionist Congress at Basle on August 27th, 1897, where the World Zionist Organisation was founded and Zionist aims formulated, (the Basle Programme) in these terms:

"The aim of Zionism is to create for the Jewish people a home in Palestine secured by public law.
In order to attain this object the Congress adopts the following means:

1. The systematic promotion of the settlement of Palestine with Jewish agriculturists, artisans and craftsmen.
2. The organisation and federation of all Jewry by means of local and general institutions in conformity with the local laws.
3. The strengthening of Jewish sentiment and national consciousness.
4. Preparatory steps for the procuring of such Government assents as are necessary for achieving the object of Zionism."

The Basle Programme still remains the basic platform of the Zionist Movement.

The First Zionist Congress marked a turning point in the path of the Jewish national awakening. What had formerly been a loose and vaguely sentimental attachment to Zion, highlighted every now and then by an unorganised urge to convert the dream

into reality, became now a closely knit organisation with clearly expressed aims and the political and financial * means for their attainment. The return to Zion was now a matter of practical politics.

The first twenty years of the Zionist organisation's life were marked by a steady extension of its influence among the Jewish people, noteworthy expansion of colonisation work in Palestine which, with the foundation of the Palestine office in Jaffa in 1908 and the inauguration of the first communal settlement at Deganiya in 1912 took on a new form, and widely ramified political activity, which, at one time, threatened to wreck the movement. Herzl, until his premature death in 1904, was particularly active in negotiation with the German, Austrian, and Turkish Governments in keeping with the cardinal tenet of his faith that the grant of an international charter over Palestine to the Jewish people was the sine qua non for the fulfilment of Zionism. This view found many opponents, particularly among Russians Zionists, who, while not denying the value of the political approach, held that practical activity in Palestine was not less important. This opposition came to a head in 1905 when Herzl, under the impact of the Kishinev pogroms in Russia, was disposed to accept the British Government's offer of a territory in Uganda as an autonomous Jewish province **, as a temporary ex-

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*The Jewish Colonial Trust was founded at the Second Congress in 1898 to serve as the financial instrument of the Organisation. Its principal functions were later taken over by the Palestine Foundation Fund (Keren Hayesod) founded in 1921 at the Twelfth Congress The Jewish National Fund (Keren Kayemet Le'Israel), founded at the Fifth Congress in 1901, is the land-buying instrument of the Zionist organisation.

**In 1901 the British Government had proposed the El Arish area of the Sinai Peninsula as a Jewish province. Investigation proved the project to be impracticable.

pedient. After a stormy session at the Third Zionist Congress, the offer was rejected, the view of the majority being that Zionism outside Zion was an impossibility. Herzl's other negotiations, while leading to an increase of sympathy for the Zionist cause, were however, devoid of any practical result. On his death, the control of the movement passed to the hands of the practical Zionists, who until the outbreak of the First World War which virtually put an end to Zionist activity on the continent, concentrated on the work of agricultural colonisation in Palestine.

During the war, the centre of gravity of the movement moved to Great Britain which had, from the earliest days, showed considerable sympathy for Jewish national aspirations and which had in turn, been regarded by Zionist leaders as the natural ally of the Jewish people. In Theodor Herzl's words at the Fourth Congress held in London, "England, the great, England the free, England with her eyes roaming over all the seas, will understand us and our aims. From this place the Zionist idea will take a still further and higher flight: of this we may be sure". Herzl's prophecy was proved to be true. After negotiations which had been iniated by Dr. Chaim Weizmann in 1915, the British War Cabinet approved a declaration of sympathy with Zionist aims, and on November 2nd, 1917, the Return to Zion became not only a Jewish aspiration, but a British pledge.

PART I

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THE PLEDGES

CHAPTER II

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THE BALFOUR DECLARATION AND THE MANDATE

(1) THE BALFOUR DECLARATION

The document known as the Balfour Declaration was contained in a letter from Mr. Arthur James Balfour, Foreign Secretary in the Imperial War Cabinet, addressed to Lord Rothschild, who, with Dr. Weizmann, Mr. Nahum Sokolow, Mr. Herbert Samuel, and Sir Mark Sykes, had taken a prominent part in the negotiations which led up to the British Government's expression of sympathy for Jewish national aspirations. The full text of the letter is as follows:

Foreign Office,
November 2nd, 1917

Dear Lord Rothschild,

I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations, which has been submitted to and approved by the Cabinet:

"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."

I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.

Yours sincerely,

Arthur James Balfour.

The Balfour Declaration is the foundation of the Zionist position in British and international politics, but, and it must be emphasised again, Zionism is not a product of the Brit-

ish Government's Declaration, nor, except from the aspect of International politics, does it depend on it for its being. The Balfour Declaration merely put an official British stamp upon an ancient Jewish aspiration, and, in doing so, made the facilitation of the Return to Zion a British responsibility.

There is no need to discuss why a British Government during one of the blackest periods of the War should have felt impelled to issue a statement of sympathy with the national aspirations of a people whose influence on the course of events could have been but slight. From the mass of conflicting versions given by people who actually took part in the negotiations, it would appear that the motives were a complex of idealistic urgings and severely practical expectation of political advantage. Great Britain had long shown interest in the Jewish cause - Disraeli, who, while a baptised Jew, could hardly be considered as anything but a British statesman, Lord Shaftesbury, Palmerston, Joseph Chamberlain and many others had all at one time or another advocated the restoration of the Jewish state. The Jews on the other hand had long looked upon Great Britain as their natural protector and ally. It was thus "in keeping with the character of the British people and the traditions of British statesmanship" ° that Zionist aims should be officially endorsed by a British Government. Among the practical considerations which, it may be assumed, had influence upon the Government's decision were the serious state of the Allied fortunes consequent on the Russian defeat - it was apparently hoped, but the hope proved vain, that a pro-Zionist declaration would subvert the loyalty of European Jewry to the Central Powers. The negotiations for an American loan, it was thought, would be eased by Jewish sympathy. And, in the long view, the advantage to the Empire of a

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° Political Report of the Executive of the Zionist organisation to the XII Zionist Congress 1921, p. 13.

strong Jewish community in Palestine bound by ties of loyalty and gratitude to Great Britain was no doubt present in the minds of the statesmen and soldiers who supported the scheme. Nevertheless, whatever the motives, the issue of the Balfour Declaration was regarded at the time as the product of "a combination of circumstances in which a British Government was able without diverging from the line marked out by the highest interests of the Empire, to give play to one of the most generous of British sentiments" °.

When one considers the motives which prompted the issue of the Declaration, its meaning begins to emerge more clearly from the fog of interpretation and commentary in which it has been increasingly enveloped during the course of the last thirty years. Perhaps the most frequent cause of the controversy, now ignorant and now malicious, which has grown around this document is its removal from the context of the Foreign Office letter in which it was contained. In the first paragraph of the letter, the Secretary for Foreign Affairs stated most unequivocally that His Majesty's Government had made a "declaration of sympathy with Jewish Zionist aspirations". In the last paragraph he requested Lord Rothschild to bring this "to the knowledge of the Zionist Federation". On the face of it, even if the history of the negotiations be disregarded, there appears to be little doubt that the British Cabinet, by whom the declaration had been approved, must have known something of the Jewish Zionist aspirations to which Balfour refers. They must have been aware of the significance of the Return to Zion in Jewish life, and must most certainly have had some appreciation of the aims of the Zionist movement which was its political expression. It is likewise perfectly clear that the Zionist Organisation was regarded as the appropriate representative of the Jewish people

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° Political Report of the Zionist Executive to the XII Zionist Congress, 1921. P. 13.

in all matters pertaining to its status as a nation. None of this would have any significance were it not for the numerous attempts which have been made of recent years to distort the nature of the undertaking given in the Balfour Declaration by making an artificial distinction between the Jewish people and the Zionist Movement. A noteworthy example of this type of argument was provided by Mr. Ernest Bevin, the present Foreign Secretary, at a press conference on the day following his famous pronouncement on Palestine on November 13th, 1945. Mr. Bevin said, angrily, that "not all Jews are Zionists" implying that there was a difference between the aspirations of Jews, who were reasonable people and gave no trouble, and those of the Zionists who were an unreasonable and extremist faction unworthy of any support. This view, of course, seems hardly supported by the terms of the original letter.

The actual wording of the Balfour Declaration has provided a fertile field for dialectical exercise on the part of lawyers, politicians, enquiry commissions and others with a facility for complicating simple issues. Much has been said of the vagueness of the declaration. Even more about the dual obligations which it imposes on the unhappy British Government - " a most difficult legacy" said Mr. Bevin on November 13th, 1945. No one would deny that its terms could have been a lot more specific without doing serious injury to its meaning, nor is there any doubt that a certain measure of obligation to the non-Jewish population of Palestine is expressly admitted. One would, however, have to be either abnormally dull or excessively hypocritical to suggest that the Balfour Declaration is so vague in its terms as to be meaningless, or to contend that the Jewish National Home mentioned therein is of such secondary importance that its establishment is dependent upon the consent of the existing non-Jewish population of Palestine

as was done by the authors of the 1939 White Paper. Whatever the Balfour Declaration may mean - and that will be discussed later - it certainly does not read that: "His Majesty's Government view with favour the establishment in Palestine of an Arab State, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of the existing Jewish community in Western Palestine which will be prohibited from forming more than one third of the total population of the country ° or from occupying more than one twentieth of its total land area °° ".

However one looks at it, the Balfour Declaration does contain a positive obligation to the Jewish people. The words "His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object" do not seem to be capable of bearing any other construction. The following two sentences in the declaration, "nothing shall be done which may prejudice the civil and religious rights of the existing non-Jewish communities in Palestine" or "the rights and political status enjoyed by Jews in any other country" are surely of a different character. They are unquestionably obligations - to the non-Jewish communities of Palestine on one hand, and to Jews outside Palestine on the other - but it would seem to be stretching matters far to say that they are to rank above or even on the same level with the primary obligation to facilitate the establishment of the Jewish National Home. The first obligation is positive in its wording, the other two are negative. Their purpose is to safeguard existing rights - not to invent new ones.

Beyond the promotion of the first proviso of the declaration

for rep. see next page

to the status of a principal clause, not much attention has been paid to its terms, or to the considerable difference existing between them and those of the following clause. The first proviso safeguards the "civil and religious rights of the existing non-Jewish communities in Palestine" without defining who those communities are and without making any mention whatsoever of any rights not civil or religious: The second proviso expressly provides for the safeguarding of the "rights and political status enjoyed by Jews in any other country". There is little point in going into the reasons which prompted the British Government to make this clear distinction between the civil and religious rights of the non-Jewish communities in Palestine and the political status of Jews who might not choose to go and live there, but the distinction undoubtedly exists, and its existence certainly does not lend any support to the arguments of those who speak of dual obligations of equal weight.

In passing, it might be profitable to enquire into the subsequent fate of these two provisos. The second is, of course, a dead letter. Neither the Balfour Declaration nor any other statement made by British Governments have succeeded in safeguarding the rights and political status of Jews in Europe. No one has, however, had the temerity to suggest that because Jews in Europe were deprived of their rights the Balfour Declaration which purported to safeguard these rights was thereupon

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See previous page

° Cmd 6019 May 1939. Chapter II (Immigration), Para 14 (1)

°° Land Transfers Regulations (1940). Zone C, in which Jewish purchase of land is unrestricted, is approximately five per cent of the total area of western Palestine.

null and void. The first proviso is very much alive. By some strange alchemy the civil and religious rights of the non-Jewish communities in Palestine - which not even their most passionate advocates have claimed to have been prejudiced in any way by the Jewish National Home - have been transformed into an implied support of a claim for an independent Arab State wherein all Jews who had arrived in Palestine as a result of the pledge made by the British Government would be considered as interlopers devoid of all rights - civil, religious, and everything else. *

Various official interpretations of the meaning of the Balfour Declaration, which appear to bear out the views expressed above, will be given in the next chapter. It is sufficient to state here that it was received by Jews throughout the world with jubilation and gratitude. They, at all events, took the declaration at its face value as a recognition of Zionist aims. In this illusion, if illusion it was, they were assisted by the British Government's Ministry of Information which, through its Jewish Department, gave the document the widest possible publicity.

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* From the text of a memorandum submitted by the Palestine Arab Higher Executive to the Arab League. Reported in Al Wahdeh, Palestin and Ad Difa' on January 10th 1947. The spiritual home of this claim is to be found in the 1939 White Paper (Cmd 6019) which proposed a Palestinian State with a permanent Jewish minority. (Par 10 (1) Chap I)

(II) INTERNATIONAL ENDORSEMENT

International endorsement of the Balfour Declaration was soon forthcoming. Prior to its publication the text had been submitted to President Wilson of the United States and approved by him.[x] On the 9th of February 1918, M. Stephen Pichon, the French Foreign Minister, issued a communique to the Press affirming that there was "a complete understanding between the French and British Governments with regard to the establishment of Jews in Palestine."[xx] This was confirmed in a letter to Mr. Sokolow, representative of the Zionist Organisation, dated February 14th.[xxx]. On May 9th, 1918, the Italian Ambassador in London expressed his Government's official approval of the Declaration in similar terms.[xxxx] The Governments of China, Japan, Greece, Serbia, and Siam later followed suit. These endorsements had considerable importance, for they were not only professions of sympathy with Zionist aims, but the first steps towards the conversion of a unilateral British statement of policy to an international obligation. The Balfour Declaration was no longer a private affair of the British Government to be interpreted according to convenience - it was fast becoming the common property of all nations, and thus not subject to change without their agreement.

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x Palestine Royal Commission Report (Cmd 5479) p. 29

xx) The French text reads "l'entente est complete- entre les Gouvernements francais et brittanique en ce qui concerne la question d'un etablissement juif en Palestine."

xxx) N. Sokolow, History of Zionism, Vol. II P. 53

xxxx) The Italian text reads " .... facilitare lo stabilirsi in Palestina di un centro nazionale ebraico ...." (Quoted by N. Sokolow, History of Zionism, Vol II, p. 139)

The next stage on the road towards the international recognition of Zionist aspirations was the Versailles Peace Conference where the Zionist Organisation, in a statement submitted on February 3rd, 1919, made certain proposals regarding the future status of Palestine. The main proposals were as follows:

1. The High Contracting Parties recognise the historic title of the Jewish people to Palestine and the right of the Jews to reconstitute in Palestine their National Home.

.....

3. The sovereign possession of Palestine shall be vested in the League of Nations and the Government entrusted to Great Britain as Mandatory of the League.

.....

5. The mandate shall be subject to the following special conditions:
   (i) Palestine shall be placed under such political, administrative, and economic conditions as will secure there the establishment of the Jewish National Home, and ultimately render possible the creation of an autonomous Commonwealth, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.
   (ii) To this end the Mandatory Power shall inter alia:
      (a) Promote Jewish settlement and close settlement on the land, the established rights of the present non-Jewish population being equitably safeguarded.
      (b) Accept the co-operation in such measures of a Council representative of Jews in Palestine and of the world that may be established for the development of the Jewish National Home in Palestine....

.....

   (IV) There shall be forever the fullest freedom of religious worship of all creeds in Palestine. There shall be no discrimination among the inhabitants with regard to citizenship and civil rights, on the grounds of religion or of race.

.....

We ask that Great Britain shall act as Mandatory of the League of Nations for Palestine. THE selection of Great Britain as Mandatory is urged on the ground that this is the wish of the Jews of the world, and the League of Nations in selecting a Mandatory will follow as far as possible the popular wish of the people concerned.....

The preference on the part of the Jews for a British Trusteeship is unquestionably the result of the peculiar relationship of England to the Jewish Palestinian problem. The return of the Jews to Zion has not only been a remarkable feature in English literature, but in the domain of statecraft it has played its part ..... Moreover the Jews who have gained political experience in many lands under a great variety of governmental systems, wholeheartedly appreciate the advanced and liberal policies adopted by Great Britain in her modern colonial administration..."

(Author's italics)

Most of the proposals contained in the Zionist Organisation's statement were accepted by the principal Allied Powers and later incorporated in the League of Nations Mandate for Palestine. In view of what has happened since, particular interest attaches to two of the points made: Firstly, the insistence on the appointment of Great Britain as Mandatory, and secondly, the guarantee of non-discrimination for the existing non-Jewish population of the country. The second point remains the policy of the Zionist Movement. The first is fast disappearing with the repudiation of British pledges.

Further confirmation of the international character of the Balfour Declaration was provided by the Supreme Council of the Peace Conference in its session at San Remo on April 24th, 1920, which resolved that the Mandate for Palestine should be entrusted to Great Britain, which would "be responsible for putting into effect the Declaration originally made on November 2nd, 1917, by the British Government in favour of the establishment of a National Home for the Jewish people, subject to the conditions included in the Declaration itself." ‡) It was further decided that the terms of the Balfour Declaration were to be included in the treaty of peace with Turkey which was subsequently signed at Sevres on August 10th, 1920. Article 95 of the Treaty of Sevres xx) reads as follows:

"The High Contracting Parties agree to entrust, by application of the provisions of Article 22 xxx), the administration of Pa-

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x) The Duke of Devonshire speaking in the House of Lords. 27th June, 1923.

‡‡) The Treaty of Sevres was not ratified by the Turkish Government. Article 95 is, however, reproduced here as evidence of the Allied Powers' readiness to adopt the Balfour Declaration as an agreed international policy.

xxx) Article 22 of the Covenant of the League of Nations established the Mandatory system for former enemy colonial territories.

lestine, within such boundaries as may be determined by the Principal Allied Powers to a Mandatory to be selected by the said Powers. The Mandatory will be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the British Government, and adopted by the other allied Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country".

Since President Wilson's defeat in 1920 Presidential elections, the United States had withdrawn from the negotiations and agreements which led up to the formation of the League of Nations, and was thus not bound by the international endorsements in favour of the Jewish National Home. The American Government had however long evinced a profound sympathy with Jewish aspirations. Besides his approval of the text of the Balfour Declaration which had been submitted to him before publication, President Wilson had ordered further investigation of the Palestine question during the sittings of the Peace Conference. The findings of the committee of experts which had been set up to discuss the subject were submitted to the President in a report dated January 21st, 1919 x), and included, inter alia, the following recommendations:

1. That there be established a separate state of Palestine
2. That this state be placed under Great Britain as a mandatory of the League of Nations.
3. That the Jews be invited to return to Palestine and settle there, being assured by the Conference of all proper assistance in so doing that may be consistent with the protection of the personal (especially the religious) and the property rights of the non-Jewish population, and

x) David Hunter Miller, My Diary at the Peace Conference, New York 1928

being further assured that it will be the policy of the League of Nations to recognise Palestine as a Jewish state as soon as it is a Jewish state in fact.

The recommendation for a Jewish state has considerable interest, in view of the fact that it was proposed by an independent body long before any Jewish demand of this nature had been made. The reasons which prompted the recommendation are, in the light of subsequent British policy in Palestine, of some significance:

"It is right that Palestine should become a Jewish state, if the Jews, being given full opportunity, make it such, it was the cradle and home of their vital race, which has made large spiritual contributions to mankind, and it is the only land in which they can hope to find a home of their own, they being in this last respect unique among significant people.
..... England as mandatory, can be relied on to give the Jews the privileged position they should have without sacrificing the rights of non-Jews....."

The American electorate's repudiation of President Wilson's foreign policy did not however affect the new Government's attitude to Zionism. On June 30th, 1922, the United States Congress, dominated by the Republican Party comitted to a policy of no foreign entanglements, passed a joint resolution of the Senate and the House of Representatives in favour of the Jewish National Home in the following terms:

Whereas the Jewish people have for many centuries believed in and yearned for the rebuilding of their ancient homeland; and
Whereas owing to the outcome of the World War and their part therein the Jewish people are to be enabled to re-create and re-organise a national home in the land of their fathers, which will give to the House of Israel its long-denied opportunity to re-establish a fruitful Jewish life and culture in the ancient Jewish land: therefore be it
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the United States of AMERICA favour the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of Christian and all other non-Jewish communities in Palestine, and that the holy places and religious buildings and sites in Palestine shall be adequately protected. (x)

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x) Congressional Record, June 30th, 1920. The RESOLUTION was signed by President Harding on September 21th, 1922.

(III) THE MANDATE FOR PALESTINE

Endorsement of the Jewish National Home was now universal, and all that remained was to provide the constitutional framework in which the civil administration of Palestine which had been established on July 1st, 1920, would work. This was done on July 24th, 1922, nearly five years after the publication of the Balfour Declaration, with the signature of the Mandate for Palestine by the representatives of the member states of the League at London. The full text of the Mandate is given below, with those provisions which apply expressly to the National Home printed in ~~bold type~~ italics:

THE MANDATE FOR PALESTINE XX)

Preamble

The Council of the League of Nations:

Whereas the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

italics

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

XX) Reprinted as Cmd 1785 (1922)

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity and the following provisions; and

Whereas by the afore-mentioned Article 22 (Paragraph 8), it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

Article 1

The Mandatory shall have full powers of legislation and administration, save as they may be limited by the terms of this Mandate.

Article 2

Italics

The Mandatory shall be responsible for placing the country under such political, administrative, and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

Article 3

The Mandatory shall, so far as circumstances permit, encourage local autonomy.

Article 4

Italics

An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social, and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist Organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establish-

ment of the Jewish national home.

Italics

Article 5

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power.

Article 6

Italics

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish Agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

Article 7

Italics

The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

Article 8

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, shall not be applicable in Palestine.

Unless the Powers whose nationals enjoyed the afore-mentioned privileges and immunities on August 1, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application for a specified period, these privileges and immunities shall, at the expiration of the Mandate, be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

Article 9

The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious law and the disposition of the founders.

Article 10

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

Article 11

The Administration of Palestine shall take all necessary measures

to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligationsaccepted by the Mandatory, shall have full power to provide for public ownerhsip or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among the other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

Italics

The Administration may arrange with the Jewish Agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly underteken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration.

Article 12

The Mandatory shall be entrusted with the control of the foreign relations of Palestine and the right to issue exequaturs to consuls appointed by foreign Powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

Article 13

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this Mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

Article 14

A special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.

Article 15

Italics

The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the

maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion, or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

Other

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.

Article 16

The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

Article 17

The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, However, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval, or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of the forces of the Mandatory from Palestine.

The Mandatory shall be entitled at all times to use the roads, railways, and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

Article 18

The Mandatory shall see that there is no discrimination in Palestine against the nationals of any State Member of the League of Nations (including companies incorporated under its laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the Mandated area.

Subject as aforesaid and to the other provisions of this Mandate, the Administration of Palestine may, on the advice of the Mandatory, impose such taxes and customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

Article 19

The Mandatory shall adhere on behalf of the Administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic, or industrial property.

Article 20.

The Mandatory shall co-operate on behalf of the Administratio of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

Article 21

The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a Law of antiquities based on the following rules. This law shall ensure equality of treatment in the matter of excavations and archaeological research of the nations of all State Members of the League of Nations.

1) "Antiquity" means any construction or any product of human activity earlier than the year A. D. 1700.

2) The law for the protection of antiquities shall proceed by encouragement rather than by threat.
Any person who, having discovered an antiquity without being furnished with the authorisation referred to in paragraph 5, reports the same to an official of the competent Department, shall be rewarded according to the value of the discovery.

3) No antiquity may be disposed of except to the competent Department, unless this Department renounces the acquisition of any such antiquity.
No antiquity may leave the country without an export licence from the said Department.

4) Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

5) No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorized by the competent Department.

6) Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archaelogical interest.

7) Authorisation to excavate shall only be granted to persons who show sufficient guarantees of archaeological experience

The Administration of Palestine shall not, in granting these authorisations, act in such a way as to exclude scholars of any nation without good grounds.

8) The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

Article 22

English, Arabic, and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew, and any statements or inscriptions in Hebrew shall be repeated in Arabic.

italics

Article 23

The Administration of Palestine shall recognise the holy days of the respective communities as legal days of rest for the members of such communities.

Article 24

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of the Mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

Article 25

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this Mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16, and 18.

Article 26

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the Mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

Article 27

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

Article 28

In the event of the termination of the Mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights

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secured by Articles 13 and 14, and shall use its influece for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations legitimately incurred by the Administration of Palestine during the period of the Mandate, including the rights of public servants to pensions or gratuities.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London the twenty-fourth day of July, one thousand nine hundred and twenty-two.

It will be noted that the British Government's Declaration of November 2nd, 1917, in favour of the establishment of the Jewish National Home is both the starting point and the central theme of the Mandate. The text of the Declaration is incorporated in the statement of principles which form the Preamble (second recital), while its main provisions are cited in the Articles which, in effect, are a series of instructions to the Mandatory for the practical application of those principles in the administration of the country (Articles 2 and 4). The Mandate is, however, a document of considerably greater importance than the Balfour Declaration, for besides enjoining the Mandatory to place "the country under such political, administrative, and economic conditions as will secure the establishment of the Jewish National Home" (Art. 2) and to" facilitate Jewish immigration under suitable conditions and ... encourage ... close settlement fof Jews on the Land" (Art. 6), it includes a new principle which cannot but be regarded as an international recognition of Jewish rights to and claims on Palestine. In the words of the Palestine Royal Commission Report °, "Recital 3 of the Preamble adds an important

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° Cmd 5479, Page 37

rider to the Balfour Declaration cited in recital 2. It declares that in adopting the policy of the Declaration the Principal Allied Powers gave recognition to the 'historical connection of the Jewish People with Palestine and to the grounds for reconstituting their national home in that country'". This statement is a direct descendant of the "declaration of sympathy for Jewish Zionist aims" made in the first paragraph fxr of Mr. Balfour's letter to Lord Rothschild. Whatever may be said about the Mandate for Palestine - and all sorts of things have been said, including that the 1939 White Paper and Mr. Bevin's abortive scheme for cantonisation are compatible with its terms - the endorsement of Zionism is implicit. Even if other arguments were lacking, recital three of the Mandate would be sufficient to establish that British policy in Palestine has not been conducted in accordance with its provisions - for a national home for the Jews can hardly be claimed to be capable of reconstitution if Jews are not permitted to enter the country and not allowed to settle on most of its area, or are herded into scattered cantonments with no control over their destinies.

Another important difference between the natures of the Balfour Declaration and the Mandate for Palestine is worthy of mention. At the time of its issue in November 1917, the Declaration could not be considered as being any more than a general statement of policy of an individual government which was dependent for its implementation on the successful conclusion of a war whose outcome no one at that time could have foreseen. It was a war aim, and therefore subject to the fate of all such promises. The Mandate is a horse of another colour. By July 1922, when it was signed in London, the war had been over for nearly four years, the peace treaties with the conquered nations had been signed, and a new international Organisation to bring order into international relations had been set up. Among the duties

of this new organisation was the supervision of the administration of those of the conquered colonies and territories which were "inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world" the promotion of whose "well being and development " were to be regarded as forming "a sacred trust of civilisation" °. One of these territories was Palestine, and the Mandate for Palestine, with its provision for the establishment of the Jewish National Home, thus forms the charter under which Great Britain, in the view of its framers, granted the administration over the country for the purpose of implementing the undertaking made in the Balfour Declaration. The Mandate is an international covenant ratified by fifty one nations°° whose approval was required before its terms could be modified.°°°

Following representations made by the British Government, which were later embodied in the Churchill White Paper of June 1922, the Council of the League of Nations, sitting in London on April 19th, 1922, resolved that:

The following provisions of the Mandate for Palestine are not applicable to the territory known as Transjordan: -

Article 2. __ The words "placing the country under such political administration and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and".
Article 4
Article 6
Article 7. - The sentence "There shall be included in this law provisions framed so as to facilitate the acquisition of

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°Article 22 of the Covenant of the League of Nations
°° As a result of the Anglo-American Convention (signed December 3rd, 1924 and later ratified by both sides during March 1925) which incorporated the terms of the Mandate in full, the United States became the fifty-second nation to endorse this document.
°°° ~~Palestine~~ Vide Art. 27 of the Mandate

Palestinian citizenship by Jews who take up their permanent residence in Palestine."

Article 11. -- The second sentence of the first paragraph and the second paragraph.

Article 13
Article 14
Article 22
Article 23

With this proviso the Mandate was approved by the League Council at its 19th session held in London during August 1922, and came into effect on September 29th, 1923. Until such time as another international instrument is devised to replace it, the Mandate establishes Palestine's constitutional status in the world. It serves, moreover, as the country's organic law and thus precludes the passage of any Ordinance by the Palestine Government "which shall be in any way repugnant to or inconsistent with (its) provisions.°"

Before closing this preliminary discussion of the Mandate, attention must be drawn to one important aspect of it which is invariably ignored by apoligists of the British and Arab cases. Reference has been made to the view that Great Britain was entrusted with the administration over Palestine for the purpose of implementing the undertaking made in the Balfour Declaration. x°) This statement is not as outrageous as it seems. It has been substantiated by British statesmen on many occasions, as the following two representative declarations show quite clearly. On June 27th, 1923, the then Secretary of State for the Colonies, the Duke of Devonshire, in the course of a speech made in the House of Lords, said:

"The Mandate is not merely a national obligation, it is an

° Palestine Order in Council, 1922, Art. 18. Repeated in Palestine (Amendment) Order in Council, 1923, Art. 17 (c). The full text of this clause is:" No Ordinance shall be passed which shall in any way be repugnant to or inconsistent with the provisions of the Mandate."

x°) Vide page

international obligation, and the Balfour Declaration was the basis on which we accepted from the Principal Allied Powers the position of Mandatory Power in Palestine. x) "

From an international aspect a perhaps more important statement was made by Mr. W. G. A. Ormsby-Gore, the Under-Secretary of State for the Colonies, in his capacity as Accredited British Representative at the Seventh Session of the Permanent Mandates Commission in 1925:

"With regard to what the Administration has done to promote the Jewish National Home, the Commission should remember that it was, after all, the Balfour Declaration which was the reason why the British Government was now administering Palestine". xx)

These statements were, admittedly, made at a time when the British Government appeared to be honestly making an effort to carry out its pledges to the Jewish people. The fact that official policy is now directed towards the gradual repudiation of those pledges does not, however, lessen their validity.

As to the current British attitude of woe at the unhappy legacy which was, apparently, thrust upon them by an unfeeling world, the true facts are clear. In the words of "The Economist" of March 1936:

"We insisted on having the Mandate for Palestine assigned to us. We also virtually dictated the terms upon which the Council of the League endorsed the action of the Principal Allied Powers." xxx°)

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x) House of Lords, Parliamentary Debates, June 27th 1923.
xx) Minutes of the Seventh Session of the Permanent Mandates Commission, 1925.
xxx°) The San Remo Decision. Vide page .....

CHAPTER III

THE MEANING OF THE JEWISH NATIONAL HOME

> "His Majesty's Government view with favour the establishment in Palestine of a National Home for the Jewish people and will use their best endeavours to facilitate the achievement of this object ....."

Nothing in the Balfour Declaration or in the Mandate of which it forms the central theme has given rise to so much controversy as this decisive sentence, or, to be more exact, the crucial words National Home. What does a national home mean? Viewed scientifically, the description might more properly apply to certain aspects of the studies of anthropology or linguistics than to politics. One talks of national homes when discussing the origins of races or nations but ~~then~~ seldom, if ever, when referring to the political status of the territories they inhabit. The words generally used in this connection are monarchies, or republics, or states or commonwealths.

Before trying to establish what the expression Jewish National Home means, it would be well to find out why it was used at all. The most reasonable, and in fact, the only, explanation appears to be that the expression was taken over from the first recital of the Basle Programme formulated at the First Zionist Congress in 1897, which reads that "the aim of Zionism is to create for the Jewish people a home in Palestine secured by public law." ° Under the prevailing circumstances - for it must be realised that any stronger expression would have been most repugnant to the Turkish Government - this was the only formula that could have been used. It was, however, understood that the aim was the event-

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° The original German word from which 'home' is translated was 'Heimstaette' which, with its connotations of autonomy and independence expresses the Zionist aim much more clearly than the English 'home'.

ual establishment of the Jewish state. Confirmation of this is provided by Theodor Herzl himself, who, in a significant entry in his diary under the date September 3rd, 1897, wrote:

> "If I were to sum up the Basle Congress in one word - which I shall not do openly - it would be this: at Basle I founded the Jewish State. If I were to say this today, I would be met by universal laughter. In five years perhaps, and certainly in fifty, everyone will see it. The State is already founded, in essence, in the will of the people to the State".

Herzl's prophecy has, unfortunately, not yet been realised, but his understanding of the Zionist aim was the understanding of the broad mass of the Jewish people when the Balfour Declaration was published twenty years later. This view is substantiated by the Palestine Royal Commission:

> "In 1917 the British Government promised to facilitate the establishment of a National Home for the Jewish people in Palestine .... and the Jews understood that, if the experiment succeeded, the National Home would develop in course of time into a Jewish State".°

Were this interpretation of the expression 'a Jewish National Home' peculiar to the Jews alone, some excuse for subsequent British policy in Palestine might be found. This, regrettably perhaps for the policy makers, is far from being the case. Between 1917 and 1921 a whole series of statements were made by British statesmen closely concerned with the negotiations which led up to the Balfour Declaration, which prove beyond any shadow of doubt that the intention of the Cabinet was the eventual establishment of a Jewish State in Palestine. A number of these statements are reproduced in the following pages. The unanimity of their terms can mean one of three things: Either that there was a deliberate conspiracy of some of the leading British statesmen of the time to deceive the world as to the true meaning of the Jewish National Home; or that these gentlemen were a group of extreme Zionists °° and thus unqualified to ex-

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° Royal Commission Report, 1937, Page 42

°° The London Times of February 18th, 1947 uses these words to describe Jewish protagonists of a Jewish state.

press a reasonable opinion; or that it was the understanding of the British Government that the Balfour Declaration provided for the eventual establishment of a Jewish State in Palestine.

As the signatory of the letter which contains the British Government's declaration of sympathy with Jewish Zionist aspirations, the opinion of Mr. A.J. (afterwards Lord) Balfour, must be regarded as having some bearing on the point at issue. At a meeting of the War Cabinet held at the end of October, 1917 (i. e. a few days before the Declaration was published) Mr. Balfour said that

> As to the meaning of the words "National Home", to which the Zionists attach so much importance, he understood it to mean some form of British, American, or other protectorate, under which full facilities would be given to the Jews to work out their own salvation and to build up, by means of education, agriculture, and industry, a real centre of national culture and focus of national life. It did not necessarily involve the early establishment of an independent Jewish State, which was a matter for gradual development in accordance with the ordinary laws of political evolution. x)

Mr Balfour's explanation has been wholly approved by Mr David Lloyd George xx) who, as Prime Minister of the War Cabinet, took part in the negotiations which led up to the Declaration and thus may be deemed to be qualified to express an opinion as to its proper interpretation:

> "There has been a good deal of discussion as to the meaning of the words 'Jewish National Home' and whether it involved the setting up of a Jewish National State in Palestine. I have already quoted the words actually used by Mr Balfour when he submitted the Declaration to the Cabinet for its approval. They were not challenged at the time by any member present, and there could be no doubt as to what the Cabinet then had in their minds. It was not their idea that a Jewish State should be set up immediately by the Peace Treaty without reference to the wishes of the majority of the inhabitants. On the other hand, it was contemplated that when the time arrived for according representative institutions to Palestine, if the Jews had meanwhile responded to the opportunity afforded them by the idea of a National Home and had become a definite majority of the inhabitants, then Palestine would thus become a Jewish Commonwealth. The notion that Jewish immigration would have to be artificially restricted in order to ensure that the Jews should be a permanent minority never entered into the

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x) D. Lloyd George, The Truth about the Peace Treaties, Vol. II, p. 1137

xx) Ibid, pages 1138/9

heads of anyone engaged in framing the policy. That would have been regarded as unjust and as a fraud on the people to whom we were appealing."

Statements made in Cabinet by a Prime Minister and Foreign Secretary of a British Government bear the stamp of authority. It might, however, be argued that the views held in 1917 by Mr Lloyd George and his colleagues were unduly influenced by the stress of war and the need to secure the widest measure of support for the Allied cause. This contention is refuted by a pronouncement made by Mr. Winston Churchill, Secretary of State for the Colonies, at meeting of the post-war Cabinet on June 22nd, 1921. In reply to questions put to him by a colleague, he defined British "responsibilities in relation to Palestine under Mr Balfour's pledge "as "to do our best to make an honest effort to give the Jews a chance to make a National Home there for themselves", adding that "if, in the course of many years, they become a majority in the country, they naturally would take over" its Government. ° Many years later, on July 5th, 1938, a similar official statement regarding the possibility of a Jewish State being inherent in the Balfour Declaration Home was made in the House of Lords by the Marquess of Dufferin and Ava, Under-Secretary of State for the Colonies, Replying to the question "whether any promise had been made to a Zionist Organisation, officially or privately, for the creation of a Jewish State", he said: "The promises of His Majesty's Government are set out in the Balfour Declaration of 1917, which was addressed to Lord Rothschild for communication to the Zionist Federation, and in subsequent published papers. No private promises have been made to anybody or individual. The terms of the Balfour Declaration

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° From the Minutes of the meeting of the Imperial Cabinet, June 22nd, 1921, quoted by David LLoyd George in "The Truth About the Peace Treaties", Vol II, p. 1193.

did not preclude the possibility of a Jewish State in Palestine."°

The four statements quoted above were made by Ministers of the Crown in their official capacities and must therefore be regarded as authoritative expressions of British Government policy. In addition to these official statements, however, a number of leading British and Empire have expressed themselves, in the press and on public platforms, in terms which appear to make it clear that the ultimate creation of a Jewish State or Commonwealth was the primary object of the Balfour Declaration. While it is admitted that views expressed by Ministers in their private capacities cannot be regarded to be as binding as official pronouncements, the fact that these gentlemen were intimately acquainted with the Balfour Declaration and its generally understood implications, and that the doctrine of collective Cabinet responsibility would have in most cases precluded the expression of any opinion at variance with official policy, makes them incontestibly more than mere expressions of personal sentiment.

Three members of the War Cabinet are included in the list which follows: Lord Robert Cecil, Minister of Blockade and the foremost British champion of the League of Nations; Field Marshal Smuts, the Premier of South Africa who, as the leader of a once defeated people which has regained its freedom and independence, has been ever sympathetic to the Jewish national renaissance; and Mr Winston Churchill, who as Prime Minister of Great Britain in its darkest hour, was the symbol in word and deed of mankind's ceaseless struggle against the forces of oppression.

Speaking at a mass demonstration at the London Opera House on December 2nd, 1917 - exactly one month after the publication of the Balfour Declaration - Lord Robert Cecil said:

> . . . Our wish is that Arabian countries shall be for the Arabs, Armenia for the Armenians, and Judaea for the Jews.

° Parliamentary Debates, House of Lords, July 5th, 1938

> . . . I should like to be allowed to say that the part that this country is taking in this movement is not a new thing. I venture to claim for this country that in supporting Zionism it has been merely carrying out its traditional policy.
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> . . . We are adjured to respect the principle of self-determination. But I say that the British Empire was the first organisation to teach that principle to the world, and one of the great causes for which we are in this war is to secure to all peoples the right to govern themselves and to work out their own destiny, irrespective of the threats and menaces of their greater neighbour. One of the great steps - in my judgement, in some ways the greatest step - we have taken in carrying out this principle is the recognition of Zionism. This is the first constructive effort that we have made in what I hope will be the new settlement of the world after the war.
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> . . . It is, indeed, not the birth of a nation, for the Jewish nation through centuries of oppression and captivity have preserved their sentiment of nationality as few people could. But if it is not the birth of a nation, I believe we may say it is the rebirth of a nation. I don't like to prophesy what ultimate results that great event may have, but for myself I believe it will have a far-reaching influence on the history of the world and consequences which none can foresee on the future history of the human race.°

General Smuts had been a member of the War Cabinet and in addition had played a large part in the formation of the League of Nations, notably in his conception of the Mandatory system. Shortly after his return to South Africa he spoke at a public meeting held in the Johannesburg Town Hall on December 3rd, 1919 to celebrate the second anniversary of the Balfour Declaration. His description of the background of the negotiations is particularly interesting. And, incidentally, disposes of the frequently advanced argument that the British pledge to the Jews was based on ignorance of the true state of affairs in Palestine:

> "The matter was one of extreme difficulty and intricacy and delicacy, too. Palestine, as you know, is a country largely inhabited still by the Arab people. Very few Turks, but mostly Arabs. And besides, at the time that this movement started in favour of declaring Palestine as the Home of the Jewish people, it was still very strongly held by the Turkish armies. It seemed somewhat premature, to say the least, to make a declaration such as we were pressed to make. But all things in the world are done in faith, and we acted in that

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° Quoted in "Great Britain, Palestine and the Jews", published by the Zionist Organisation, London, 1918.

spirit. We believed in the victory of our cause, we believed that the day would come, and was not far distant, when Palestine would be set free from the oppression of the Turk, and when a promise to the Jewish race could be fulfilled by us. That was one difficulty. The other difficulty was to discover a formula to which the various Great Powers would agree. That was a matter of extreme difficulty and delicacy and involved a great deal of negotiation before it was found possible to make a public declaration which would pledge and bind the British Government and British policy. Finally, after a great deal of cogitation we hit on that formula which has become historic, and which was published in the declaration of Mr Balfour on behalf of the British Government. That formula declared that the British Government would do its best in future to make Palestine, the old historic Palestine of the Bible, the national home of the Jewish people.

I believe we must have tried a score of other formulas which we found would not fit the facts of the case, or the possibilities of the future political situation in the world. But finally the formula was evolved, and was settled upon as likely to do adequate justice to the Jewish case, and at the same time as likely to carry the assent of the Great Powers .."

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In interpreting the meaning of this formula, General Smuts went on to say:

"From those parts of the world where the Jews are oppressed and unhappy, where they are not welcomed by the rest of the Christian population, from those parts of the world you will yet see an ever increasing stream of emigration towards Palestine. And in generations to come you will see a great Jewish State rising there once more . . ."

"And ever since then, since the November of 1917, I have looked upon the fate of Palestine as settled, and settled foreever . . . . " °

A few months later Mr Winston Churchill, then Secretary of State for War, wrote in similar strain:

"If, as may well happen, there should be created in our own lifetime by the banks of the Jordan a Jewish State under the protection of the British Crown which might comprise three or four millions of Jews, an event will have occurred in the history of the world which would from every point of view be beneficial, and would be especially in harmony with the truest interests of the British Empire." °°

The name of Mr Neville Chamberlain is practically synonimous with the unpleasant words appeasement, Munich, and the infamous 1939 White Paper on Palestine. Thirty years ago, however, Mr Cham-

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° The Star, Johannesburg, December 4th, 1919.
°° Illustrated Sunday Herald, February 8th, 1920.

berlain was an eloquent protagonist of the Jewish State, as the following quotation from a speech made by him at the Alexandra Theatre, Birmingham, on October 13th, 1918, testifies:

> "If the Jewish State which is to be established there (i.e. in Palestine) is to be . . . associated with some great progressive people, such as those of the American Commonwealth or of the British Empire, then in such a case it seems to me that . . . the existence of this new Jewish State would only add to the dignity and influence of Jews in other countries".

An even more eloquent testimony of Mr Chamberlain's then understanding of the Balfour Declaration is provided by a declaration which he signed in 1919 in company with a number of prominent public men and women in Great Britain, including Privy Councillors, Members of Parliament, and representatives of the Christian Churches and the liberal professions:°

> Among all the national claims which must be satisfied if the world is to have a durable peace, there is none more worthy of the sympathy and assistance of all right-thinking men than the claim of the Jewish people to rebuild its national life in Palestine. Through twenty centuries of exile the Jews have never lost the hope of a return to their historic land, with which everything that is best in their distinctive culture and outlook is clearly bound up. Theirs is surely the most ancient of national wrongs, and in righting it humanity will both perform an act of simple justice and sow a seed of incalculable promise for their future. Politically, the resettlement of Palestine by Jews and its development into a Jewish Commonwealth will introduce a needed factor of stability and ordered progress into the life of the Near East. Not less important, in our view, for the highest interests of humanity is the gain which human thought and social ideals may hope to derive from the free self-expression of the Jewish genius in its national setting. The Great Powers associated in the war for justice and freedom have promised to facilitate the establishment in Palestine of a National Home for the Jewish People. We are convinced that this promise must be amply and unequivocally translated into fact if the world-settlement is to correspond with the ideals of the Allies and the United States.

The shortness of Mr Chamberlain's memory for his former professions, while regrettable, is by no means unique among contemporary British politicians. He, after all, took one twenty years to

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° Published with facsimilies of the original signatures by the Zionist Organisation, London, 1919.

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forget "the claim of the Jewish people to re-establish its national life in Palestine." Others, perhaps louder in their protestations of support, have not needed so long a period.

The list of interpretations of the expression Jewish National Home made in the immediate post-Declaration period is completed by President Wilson who, on March 3rd, 1919, said:

> "I am persuaded that the Allied nations, with the fullest concurrence of our Government and our people, are agreed that in Palestine shall be laid the foundations of a Jewish Commonwealth". °

It would seem to be unnessary to comment further. To sum up the arguments, however, two statements made by members of the present Labour Government during the House of Commons' debate on the 1939 White Paper are reproduced. They form an ironic background to current Labour policy. Mr Tom Williams, the present Minister of Agriculture, said that:

> . . . If it was ever intended by those who produced the Balfour Declaration that the Jews should remain a permanent minority in Palestine, why where those very careful safeguards provided for the non-Jewish population? It must have been clear to those who produced those safeguards that the possibility of a Jewish majority was there. To that extent, a Jewish majority, a Jewish State or Commonwealth were, rightly or wrongly, all visualised at that time. It might take 40, 50, or 100 years for that majority to be created, but, as long as it was a question of economic absorptive capacity, and as long as safeguards were applied, the Arabs need never be in fear of the domination of the Jews. °°

Mr Philip Noel Baker, the present Secretary of State for Air, was perhaps even more vigorous in condemning the violators of the Balfour Declaration pledge and more emphatic in his reminders that Jewish National Home meant Jewish State in 1939 no less than in 1919

° David Lloyd George, "The Truth about the peace treaties", Vol. II, P. 1140.

°° Parliamentary Debates, House of Commons, May 22nd, 1939

. . . The Balfour Declaration provided for the establishment of the Jewish Home. And went on to say that nothing should be done which might "prejudice the civil and religious rights" of existing non-Jewish sections of the population. Why "non-Jewish" if the Arabs were to be in the majority? In that case, it would plainly have been necessary to protect the Jews.

But look a little closer at the Balfour Declaration. The White Paper says that the Government did not contest the view of the Royal Commission that "the Zionist leaders at the time of the Balfour Declaration recognised that an ultimate Jewish State was not precluded by the terms of the Declaration." That is a very disingenuous version of what the Royal Commission actually said: -

"The Jews understood that if the experiment succeeded the National Home would develop in course of time into a Jewish State."

Why did the Jews understand that to be the case? Because from 1918 to 1920 they were told so by the rulers of the world. They were told so by President Wilson, by Lord Balfour, and by the right hon. Gentleman the Member for Carnarvon Boroughs (Mr Lloyd George). Not one leader ever hinted that there would not be a Jewish Commonwealth in Palestine in time to come. The right hon. Gentleman the Member for Carnarvon Boroughs has said that the notion that Jewish immigration would be restricted never entered into anybody's mind because it would have been regarded "as unjust and as a fraud on the people to whom we were pledged." I know that is true, because I talked to the men day by day who made the Mandate. °

To close this discussion on the meaning of the Jewish National Home, it might be well to define the area in which it was to be established. The Palestine Royal Commission Report - generally conceded to be the most authoritative British survey of the problem - is quite clear on this point:

"(3) The field in which the Jewish National Home was to be established was understood, at the time of the Balfour Declaration, to be the whole of historic Palestine, and the Zionists were seriously disappointed when Transjordan was cut away from that field under Article 25". °°

It is sufficient to observe that the Land Transfers Regulations of 1940 prohibit the pruchase of land by Jews in more than one percent of that area.

° Parliamentary Debates, House of Commons, May 22nd, 1939
°° Cmd. 5479, page 38

. . . The Balfour Declaration provided for the establishment of the Jewish Home. And went on to say that nothing should be done which might "prejudice the civil and religious rights" of existing non-Jewish sections of the population. Why "non-Jewish" if the Arabs were to be in the majority? In that case, it would plainly have been necessary to protect the Jews.

But look a little closer at the Balfour Declaration. The White Paper says that the Government did not contest the view of the Royal Commission that "the Zionist leaders at the time of the Balfour Declaration recognised that an ultimate Jewish State was not precluded by the terms of the Declaration." That is a very disingenuous version of what the Royal Commission actually said: -

"The Jews understood that if the experiment succeeded the National Home would develop in course of time into a Jewish State."

Why did the Jews understand that to be the case? Because from 1918 to 1920 they were told so by the rulers of the world. They were told so by President Wilson, by Lord Balfour, and by the right hon. Gentleman the Member for Carnarvon Boroughs (Mr Lloyd George). Not one leader ever hinted that there would not be a Jewish Commonwealth in Palestine in time to come. The right hon. Gentleman the Member for Carnarvon Boroughs has said that the nation that Jewish immigration would be restricted never entered into anybody's mind because it would have been regarded "as unjust and as a fraud on the people to whom we were pledged." I know that is true, because I talked to the men day by day who made the Mandate.°

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It is sufficient to observe that the Land Transfers Regulations of 1940 prohibit the purchase of land by Jews in more than one percent of that area.

° Parliamentary Debates, House of Commons, May 22nd, 1939
°° Cmd. 5479, page 88

CHAPTER IV

THE ARAB CASE

Stretching from the Taurus Mountains in the north to the Gulf of Aden in the south, from the Persian Gulf in the East to the Atlantic shores of Africa in the west, lies that vast stretch of territory known as the Arab World. The Arab World is not homogenous. Neither in race, nor in religion, nor in degree of social, political, or economic progress can the approximately 47,000,000 inhabitants of this huge area (nearly 3,000,000 square miles) be regarded as one people - the primitive Wahabi Beduin of Saudi Arabia are centuries removed from the westernised Christian merchants of the Lebanon, neither are the downtrodden fellaheen of Iraq in any way akin to the fierce Moorish tribesmen of Morocco. Despite these differences, there are, nevertheless, three forces which do tend to provide some semblance of unity in the Arab world : The first is the Arabic language which, in one or another of its many dialects, is spoken or understood over most of the area; The second is the Moslem religion which, in its various sects, is professed by the large majority of the Arabic speaking peoples; and lastly there is the Arab League, created by Great Britain in 1945 to serve as the buttress and instrument of her Middle Eastern policy, whose seven state members comprise over half the area and over two-thirds of the population of the Arabic speaking domains, and which professes to speak in the name of the whole Arab World.

The areas and populations of the states of the Arab League are as

follows:

State	Form of Governmt.	Populat.	Area (sq mls)	Population density
Egypt	Kingdom	17,000,000	363,000	47
Syria	Republic	2,900,000	56,075	52
Lebanon	Republic	1,200,000	3,925	300
Iraq	Kingdom	3,500/4,000	116,000	30
Saudi Arabia	Kingdom	3,000,000	927,000	3
Yemen	Kingdom	3,500,000	74,000	47
Transjordan	Kingdom	300,000	30,000	10
	TOTAL	31,400,000	1,570,200	20

All these states, with the single exception of Egypt, are included in what is known as the Arab rectangle - i.e. that large land mass bounded by the Mediterranean and Red Seas on the west, the Arabian Sea on the south, the Persian Gulf and Iran on the east and the Taurus mountains on the Turkish border in the north. Prior to the outbreak of the First World War they, again with the exception of Egypt, which was then a semi-independent Khedivate under British suzerainty, formed part of the Ottoman Empire, and had been so for about 400 years; none of them had had any independent existence for the best part of a millenium.

The First World War provided the Arabs with their opportunity to achieve independence - or it would perhaps be more correct to say that one of the effects of Allied strategy during the War was the creation of independent Arab states over a large part of the rectangle: The Arabs had neither the means, nor the power, nor, in most cases the political awareness or will to fight for their own national liberation. The famous desert revolt, immortalised by Lawrence in his "Seven Pillars of Wisdom", was the creation of British policy, was financed by British gold, equipped by British arms, directed by British advisers and sustained by the ardour of British protaganists of Arab independence. The revolt

was ~~[illegible]~~ not the mass movement of a people fighting for its national freedom. It was, essentially, the struggle of the Hashemite dynasty of the Hedjaz to establish control over the Arab lands supported by the British in return for an undertaking to contain the left flank of the Turkish Armies. With the exception of a handful of Arab nationlists in Baghdad, Damascus, Beirut, the broad mass of the Arab peoples was apathetic - in some cases, notably in Iraq and Palestine, they fought against their liberators. Nevertheless, the military operations undertaken, even if unwillingly, by the Sherif of Mecca are of prime historical importance, for they gave rise to the establishment of the independent states of Hedjaz (now Saudi Arabia), Iraq, Syria, the Lebanon, and Transjordan, and have also provided the principal argument in the Arab case regarding Palestine.

The MacMahon Letter

The story begins in July, 1915, when Sir Henry MacMahon, the British High Commissioner in Egypt, commenced a lengthy correspondence with the Sherif Hussein of Mecca in an effort to induce him to take up arms against the Turks. This correspondence, known as the MacMahon correspondence, continued for about six months (until January, 1916), and was devoted to an elaboration of the conditions under which the Arabs would be prepared to fight for their own independence if granted the necessary British aid. These conditions were mainly financial and territorial - ~~[illegible]~~ Sherif Hussein, in true Beduin tradition, demanded huge sums of money as an inducement, and also claimed that the whole of the Arab rectangle be proclaimed a unitary Arab state at the end of hostilitie with himself at the head. Sir Henry MacMahon's reply to the latter claim, dated October 24th, 1915, was as follows: °

> ..... "I regret to find that you inferred from my last note that my attitude towards the question of frontiers and boundaries was one of hesitancy and lukewarmth. Such was in no wise the intention of my note. All I meant was that I considered that the time had not yet come in which that question could be discussed in a conclusive manner.
>
> But, having realised from your last note that you con-

for ref see p5

sidered the question important, vital, and urgent, I hastened to communicate to the Government of Great Britain the purport of your note. It gives me the greatest pleasure to convey to you, on their behalf, the following declaration which, I have no doubt, you will receive with satisfaction and acceptance.

The district of Mersin and Alexandretta, and the portions of Syria lying to the west of the districts of Damascus, Homs, Hama, and Aleppo, cannot be said to be purely Arab, and must on that account be excepted from the proposed delimitation.

Subject to that modification, and without prejudice to the treaties concluded between us and certain Arab Chiefs, we accept that delimitation.

As for the regions lying within the proposed frontiers, in which Great Britain is free to act without detriment to the interests of her ally France, I am authorised to give you the following pledges on behalf of the Government of Great Britain, and to reply as follows to your note:

(1) That, subject to the modifications stated above, Great Britain is prepared to recognise and uphold the independence of the Arabs in all the regions lying within the frontiers proposed by the Sharif of Mecca.
(2) That Great Britain will guarantee the Holy Places against all external aggression, and will recognise the obligation of preserving them from aggression ....."

This letter, and particularly the paragraph printed in italics, has been the cause of never-ending controversy. The Arabs - and it forms the crux of their case - claim that the territory now known as Palestine was included in regions which Sir Henry MacMahon pledged would be recognised as an independent Arab state. The claim has been extended to a demand for the recognition of Palestine as an Arab state (i.e. not as part of a larger entity which, if the Mac Mahon pledge were to be given the Arab interpretation, was all that could have been implied), and for the abrogation of the Balfour Declaration on the grounds that the country had already been promised to the Arabswhen the Declaratic was issued. This claim has been refuted officially on three occasions by successive British Governments (1922, 1937 and 1939), and on a number of occasions by senior British officials, including Sir Henry MacMahon himself, who were directly concerned in the negotiations with the Sherif (later King)Hussein.

The first use of the MacMahon letter was made by a Palestin

Arab Delegation which went to London in 1922 to demand the establishment of an independent Arab state in Palestine on the basis of the pledges supposedly contained therein. The demand was rejected by His Majesty's Government in their Statement of Policy on Palestine of June 1922, [*] in the following words:

> It is not the case, as has been represented by the Arab Delegation, that during the War His Majesty's Government gave an undertaking that an independent national government should be at once established in Palestine. This representation mainly rests upon a letter dated the 24th October, 1915, from Sir Henry McMahon, then His Majesty's High Commissioner in Egypt, to the Sherif of Mecca, now King Hussein of the Kingdom of the Hedjaz. That letter is quoted as conveying the promise to the Sherif of Mecca to recognise and support the independence of the Arabs within the territories proposed by him. But this promise was given subject to a reservation made in the same letter, which excluded from its scope, among other territories, the portions of Syria lying to the west of the district of Damascus. This reservation has always been regarded by His Majesty's Government as covering the Vilayet of Beirut and the independent Sanjak of Jerusalem. The whole of Palestine West of the Jordan was thus excluded from Sir H. McMahon's pledge.

A few weeks later Mr Winston Churchill, then Secretary of State for the Colonies, reaffirmed His Majesty's Government's position in a statement made in the House of Commons on July 11th, 1922: [**]

> No pledges were made to the Palestine Arabs in 1915. An undertaking was given to the Sherif of Mecca that His Majesty's Government would recognise and support the independence of the Arabs within certain territorial limits, which specifically excluded the districts of Mersina and Alexandretta, and the portions of Syria lying to the west of the districts of Damascus, Homs, Hama, and Aleppo. It was also stipulated that the undertaking applied only to those portions of the territories concerned in which Great Britain was free to act without detriment to the interests of her Allies. His Majesty's Government have always regarded, and continue to regard Palestine as excluded by these provisos from the scope of their undertaking. This is clear from the fact, to which the hon. Member refers, that in the following year they concluded an

See p.3

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[*] Translated and quoted by George Antonius in "The Arab Awakening", London, 1938, p. 419.

[**] Statement of British Policy in Palestine (known as the Churchill White Paper), Cmd 1700, June 3rd, 1922.

[*] Parliamentary Debates, House of Commons, July 11th, 1922

agreement with the French and Russian Governments under which Palestine was to receive special treatment.°

So far as I am aware, the first suggestion that Palestine was included in the area within which His Majesty's Government promised to recognise and support the independence of the Arabs was made by the Emir Feisal, now King of Iraq, at a conversation held in the Foreign Office on 20th January, 1921, more than five years after the conclusion of the correspondence on which the claim was based. On that occasion the point of view of His Majesty's Government was explained to the Emir, who expressed himself as prepared to accept the statement that it had been the intention of His Majesty's Government to exclude Palestine.

When I assumed responsibility for Middle Eastern Affairs I went carefully into the correspondence referred to, and my reading of it is the same as that of the Foreign Office, as was recently stated in the Declaration of British Policy in Palestine, which has been published and laid before the House. I am quite satisfied that it was as fully the intention of His Majesty's Government to exclude Palestine from the area of Arab independence as it was to exclude the more northern coastal tracts of Syria.

These authoritative pronouncements were apparently regarded as inconclusive, for, in 1936/37, during and after the publication of the Royal Commission Report, °° the Arabs made another attempt to use the MacMahon letter as the basis of their demand for an independent state in Palestine, with the evident expectation that repeated pressure would compel the British Government to weaken. Another Secretary of State for the Colonies, Mr Ormsby-Gore (now Lord Harlech), provided the reply on this occasion - a reply rendered particularly forceful by the fact that he had been a member of the Arab Bureau in Cairo which, in 1915 and 1916, had conducted the negotiations with the Sheriff.

I served in 1916 in the Arab Bureau in Cairo on Sir Henry McMahon's staff, and I wish myself to testify to the fact that it never was in the mind of anyone on that staff that Palestine west of the Jordan was in the area within which the British Government then undertook to further the cause of Arab independence.

° Sykes-Picot Agreement 1916; under this agreement, which was voided by the Russian Revolution in 1917, the Turkish Empire, excluding Palestine which was to be put under international administration, was to be divided into British, French, and Russian spheres of influence.

°° Vide p....

. . . When the preliminary negotiations took place leading up to the Balfour Declaration - and it was at least a year after the first adumbration of a desire on the part of the Allied Governments to make some approach to the Jewish people had first been thought of - I remember myself serving in the Arab Bureau helping to edit a thing called the "Arab Bulletin" in the autumn of 1916, putting into that "Bulletin" information regarding Jewish colonies and Jewish aspirations in Palestine; and all through the early days of 1917 His Majesty's Government and the other Governments were becoming increasingly aware of this factor in the Near Eastern problem, and the Balfour Declaration, which was not issued until November, 1917, was the result of prolonged weeks of controversy - I say that advisedly - in this country, because some people put forward views vigorously opposed to it, after negotiations with France and Italy, and after, as the Commission bring out for the first time, President Wilson was consulted as to its precise terms. It was a most deliberate act... It was not only Sir Mark Sykes but others brought to the attention of the Government the fact that undertakings of a general character had been given to the Arabs, and the McMahon correspondence was fully in the mind of His Majesty's and the Allied Governments when the Balfour Declaration was made . . .

I want it clearly and finally understood that His Majesty's Government, neither then or now, can or will admit that Palestine west of the Jordan was included in the pledge given to the Sherif, and that they have always in mind that special considerations must obtain in regard to the future government of the Holy Land. The unique character of Palestine was recognised by the Arab Delegates to the Peace Conference. It is recognised all over the world.*

Confirmation of Mr Ormsby-Gore's understanding of the McMahon pledge was provided by the greatest possible authority on the subject, Sir Henry McMahon himself who, in a letter to the Editor of the London "Times" dated July 22nd, 1937, stated definitely and emphatically that Palestine was not included in the territories in which Arab independence was to have been guaranteed:

Sir,- Many references have been made in the Palestine Royal Commission Report and in the course of the recent debates in both Houses of Parliament to the "McMahon Pledge", especially to that portion of the pledge which concerns Palestine and of which one interpretation has been claimed by the Jews and another by the Arabs.

It has been suggested to me that continued silence on the part of the giver of that pledge may itself be misunderstood. I feel, therefore, called upon to make some statement on the subject, but I will confine myself in doing so to the point now at issue - i.e., whether that portion of Syria now known as Palestine was or was Not intended to be included in the territories in which the independence of the Arabs was guaranteed in my pledge.

I feel it my duty to state, and I do so definitely and em-

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* Parliamentary Debates, House of Commons, July 21st, 1937

phatically, that it was not intended by me in giving this pledge to King Hussein to include Palestine in the area in which Arab independence was promised.
I also had every reason to believe at the time that the fact that Palestine was not included in my pledge was well understood by King Hussein.

Yours faithfully,

A. Henry McMahon.

Confirmation of Sir Henry McMahon's statement, if confirmation were needed, is provided by three former members of the Arab Bureau: Sir Gilbert Clayton who " was in daily touch with Sir Henry McMahon throughout the negotiations with King Hussein, and made the preliminary drafts of all the letters", stated in a note to the High Commissioner for Palestine dated April 18th, 1923, * that he could "bear out the statement that it was never the intention that Palestine should be included in the general pledge given to the Sherif": Colonel C. E. Vickery interviewed King Hussein at Jedday in 1920 and read the original copy of the letter in his possession - "I read the letter through very slowly; it was not written in very scholarly Arabic and had no English translation on the margin, and it was quite evident that Palestine was not included in the proposals to the King ,,,. I can say most definitely that the whole of the King's demands were centred round Syria and only round Syria. Time after time he referred to that vineyard, to the exclusion of any other claim or interest. He stated most emphatically that he did not concern himself at all with Palestine and had no desire to have suzerainty over it for himself or his successors" x) : T.E. Lawrence, that doughty champion of Arab interests, who, describing the Middle Eastern settlement of 1921, says "Mr Winston Churchill

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* Quoted by Viscount Samuel in the House of Lords, July 20th, 1937
x°) Letter to London "Times", February 21st, 1939

set honesty before expediency in order to fulfil our promises in the letter and in the spirit. He executed the whole MacMahon undertaking (called a treaty by some who have not seen it) for Palestine, for Transjordania, and for Arabia. In Mesopotamia (Iraq) he went far beyond its provisions, giving to the Arabs more, and reserving for us much less, than Sir Henry Mac Mahon had thought fit."*

But even this was not enough. With a persistence worthy of a better cause the Arabs trotted out the Mac Mahon letter yet again at the Round Table Conference on Palestine held in London in 1938/39. Realising that the non-publication of certain of the letters lent some strength to the Arab claims, the British Government decided to publish the whole correspondence, and at the same time set up a Joint Arab/British Committee to subject it to detailed examination. The findings of the Committee were published as a Command Paper (Cmd 5957) on March 16th 1939. The relevant extracts of the findings are as follows:

> . . . Furthermore, the United Kingdom representatives have informed the Arab representatives that they agree that Palestine was included in the area claimed by the Sherif of Mecca in his letter of the 14th July, 1915, and that unless Palestine was excluded from that area later in the Correspondence it must be regarded as having been included in the area in which Great Britain was to recognise and support the independence of the Arabs. They maintain that on a proper construction of the Correspondence Palestine was in fact excluded. But they agree that the language in which its exclusion was expressed was not so specific and unmistakable as it was thought tobe at that time.

The leader of the British representatives on this Committee, Lord Maugham, then Lord Chancellor, made the issue plain in his summing up of the British case: "The Correspondence as a whole, and particularly the reservation in respect of French interests in Sir Henry MacMahon's letter of the 24th October, 1915, not only did exclude Palestine, but should have been understood to do so."**

It should be remembered that the British Government which

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published this report on the Mac Mahon correspondence was the same Government that a few months later produced the notorious White Paper on Palestine. Their rejection of the Arab contentions with regard to the Mac Mahon pledges can hardly then be ascribed to an excess of Zionist enthusiasm. Nevertheless, the Arabs and their advocates have remained unsatisfied even in the face of this most overwhelming proof that no pledge was made that Palestine was to become an Arab state. The argument that equal and conflicting promises were made to the Jews and Arabs during the last war continues to appear with monotonous regularity - its most prominent current exponent being Mr Bevin himself.

The Hogarth Message.

The second principal Arab argument against the Jewish National Home is the statement of British intentions with regard to Palestine communicated by Commander D.G. Hogarth, a leading member of the Arab Bureau, to King Hussein in January 1918 - some two months after the publication of the Declaration. David Lloyd George relates the circumstances as follows: ***

> Through Sir Mark Sykes and Colonel Lawrence we informed the Arab leaders, King Hussein and his son, Feisal, of our proposals. We could not get in touch with the Palestinian Arabs as they were fighting against us ...
> In January, 1918, the British Government's policy in regard to Palestinian Holy Places and Zionist colonisation was officially communicated in the following message to Hussein:-
>
> That so far as Palestine is concerned, we are determined that no people shall be subject to another, but in view of the fact:
>
> a) That there are in Palestine, Shrines, Wakfs, and

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* "The Letters of T.E.Lawrence". Edited by David Garnett. Jonathan Cape, London, 1938, p. 345

** Cmd 5957. p. 45

*** David Lloyd George, "The Truth about the Peace Treaties", London, 1938, Vol II, p. 1140-2.

Holy Places, sacred in some cases to Moslems alone, to Jews alone, to Christians alone, and in others to two or all three, and inasmuch as these places are of interest to vast masses of people outside Palestine and Arabia, there must be a special regime to deal with these places approved of by the world.

(b) That as regards the Mosque of Omar, it shall be considered as a Moslem concern alone, and shall not be subjected directly or indirectly to any non-Moslem authority.

That since the Jewish opinion of the world is in favour of a return of Jews to Palestine, and inasmuch as this opinion must remain a constant factor, and further, as His Majesty's Government view with favour the realisation of this aspiration, His Majesty's Government are determined that in so far as is compatible with the freedom of the existing population, both economic and political, no obstacle should be put in the way of the realisation of this ideal.

Hogarth relates that "King Hussein seemed quite prepared for (this) formula and agreed enthusiastically, saying he welcomed the Jews to all Arab lands".° This is confirmed by Lloyd George °° who says that

> The Arab leaders did not offer any objections to the declaration so long as the rights of the Arabs in Palestine were respected. Pledges were given to the non-Jewish population of Palestine who constituted the great majority of its inhabitants, as well as to the Jews. These were the results of conversations which we had with such Arab leaders as we could get in touch with. There was a twofold undertaking given to them, that the establishment of a Jewish National Home would not in any way, firstly, affect the civil or religious rights of the general population of Palestine; Secondly, would not diminish the general prosperity of that population. These were the only pledges we gave to the Arabs.

The substance of the Arab argument regarding the Hogarth Message - perhaps it would not be fair to call it a solely Arab argument, as it only came into prominence when used by Mr Malcolm Mac Donald when presenting his case for the 1939 White Paper before the House of Commons and the Permanent Mandates Commission of the League of Nations - is that it speaks of the "political" freedom of the Arabs of Palestine where the Balfour Declaration only guarantees their "civil and religious rights". This, claim the Arabs, is a clear recognition of their claim to

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° Devil Barbour, "Nisi Dominus", London, 1945. Footnote to p.69

°° Lloyd George, op.cit.

independence. The argument is hardly tenable. The British Government's intentions with regard to the Jewish National Home were quite clear at the time. As will have been seen from the preceding chapter, it was the general opinion during the years 1917 to 1921 - when Commander Hogarth made his communication to King Hussein - that the Jewish National Home mentioned in the Balfour Declaration would, in the course of time, develop into a Jewish State - a fact which was certainly not compatible with Arab independence in Palestine. If the "political freedom" of the Hogarth Message means any more than the "civil and religious rights" of the Balfour Declaration - and it is questionable if this is any other than an unimportant difference of phrasing - it surely refers to local self-government or, in other words, the "self-governing institutions" envisaged in Article 2 of the Mandate for Palestine. This appears to be borne out both by the context of the phrase, and by the preamble of the message which expresses His Majesty's Government's determination "that no people shall be subject to another".

At all events, neither the Hogarth Message nor the Mac Mahon Letter are relevant to the issue, even if the Arab interpretation of their terms were conceded. The Mandate for Palestine, incorporating the Balfour Declaration, was signed long after these two statements were made. No mention of any pledges to the Arabs, beyond those safeguards contained in the Balfour Declaration, appears in this fundamental document. From the point of view of international law, therefore, the Arab claims based on these two so-called pledges are invalid, and have been branded as such by the Permanent Mandates Commission which, until the outbreak of the Second World War, was responsible for the supervision of the Palestine administration as an international trust.°

Other "pledges".

In addition to the Mac Mahon Letter and the Hogarth Message,

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a certain measure of importance is attached in Arab circles to three other documents which purport to lend strength to the Arab case. These, in chronological order, are the Bassett Letter (February 8th, 1918), the Declaration to the Seven (June 16th, 1918), and the Anglo-French Declaration (November 7th, 1918). There is little point in going into detail regarding the contents of the these statements or the circumstances attending their publication; it will suffice to say that they all deal with the liberation of the Arab peoples from the Turkish yoke and are couched in very general terms. In no case is Palestine mentioned either specifically or by implication. The noteworthy point about all three statements, however, is that they were issued after the publication of the Balfour Declaration when both British and French policy with regard to the future of Palestine was clearly defined.

Article 22 of the Covenant of the League of Nations

The third main Arab argument is that the Mandate for Palestine is null and void as it conflicts with Article 22 of the League Covenant and, particularly, with its fourth paragraph. The relevant paragraphs of Article 22 (Nos. 1 - 4) are reproduced below: °°

> 1. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the State which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

° League of Nations, Minutes of the 36th Session of the Permanent Mandates Commission, 1939. M. van Asbeck, p. 800; M. Orts, p. 206.

°° Quoted in Palestine Royal Commission Report, Cmd 5479, 1936, p. 29

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2. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.
3. The character of the Mandate must differ according to the stage of development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.
4. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistence by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Paragraphs 5 and 6 deal with the future status of the former German colonies in Africa and the Pacific, 7 provides that the Mandatory shall render an annual report to the League Council, 8 provides that "the degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the members of the League, shall be explicitly defined in each case by the Council," while the ninth and final paragraph makes provision for the constitution of a permanent Commission to supervise the administration of the Mandates.

The question of the incompatibility of the Mandate for Palestine with Article 22 of the Covenant was raised by the Arabs even before the Mandate came into effect, in spite of the fact that, as Lord Balfour said °, the paradox could not be maintained "that the Powers who adopted the Mandatory system . . . are so ignorant that they do not know their own child and are violating all their principles when they establish the policy of a Jewish Home in Palestine". The scorn with which Balfour greeted this extraordinary plea is, however, not the only answer. The legal aspects of the question were discussed by an eminent British jurist, Sir William Finlay (now Mr Justice Finlay) in an opinion dated April 8th, 1921, which reads: °°

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> The Article appears to me to have been, for perfectly intelligible reasons, drafted in very general terms. The first paragraph lays down the principle that the well-being and development of the peoples in question form a sacred trust of civilisation. The second paragraph lays it down that the tutelage of such peoples should be entrusted to the advanced nations as Mandatories. The third paragraph points out what is obvious and what really lies at the root of the inevitable vagueness of the whole Article, viz., that the character of the Mandate must differ according to the development of the people, the geographical situation, economic conditions, etc. My attention was called in conference to the last sentence of the fourth paragraph. But I do not think that this sentence is relevant to the matter I have to consider (1) because I do not think this paragraph applicable to Palestine; (2) because it is only in the selection of the Mandatory that the wishes of the community must be a principal consideration; (3) because the words are "a" principal consideration and not "the" principal consideration.

On the question as to whether the encouragement of Jewish immigration and land settlement in Palestine (Article 2 of the Mandate) was consistent with the promotion of the well-being and development of the inhabitants (Paragraph 1 of Article 22), Sir William said:

> I see absolutely no inconsistency between the two. It may well be that a judicious scheme of immigration is the best possible method of developing the resources of Palestine and securing the well-being of that country. It is in my view impossible upon any principle of construction to say that there is any inconsistency between this scheme and either the letter or the spirit of Article 22 merely because the scheme, which may benefit Palestine, may also benefit one particular people, viz.: the Jews. What is hoped is obviously that this scheme, while beneficial to the Jews will also prove in the best interests of Palestine. There is no inconsistency between these objects.

Nevertheless, in the same way as they had kept the McMahon "pledge" alive in the face of repeated refutation, the Arabs persisted in their use of the alleged inconsistency of the Mandate with Article 22. Much was made of this argument by Auni Abdul Hadi, a leading Arab lawyer and politician, when present-

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* Parliamentary Debates, House of Lords, June 21st, 1922

** Official Journal of the League of Nations, August 1921, pp 443-4.

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ing the Arab Higher Committee case before the Palestine Royal Commission in 1936. The Commission's answer was as follows:*

> As to the claim, argued before us by Arab witnesses, that the Palestine Mandate violates Article 22 of the Covenant because it is not in accordance with paragraph 4 thereof, we would point out (a) that the provisional recognition of "certain communities formerly belonging to the Turkish Empire" as independent nations is permissive; the words are "can be provisionally recognised", not "will" or "shall": (b) that the penultimate paragraph of Article 22 prescribes that the degree of authority to be exercised by the Mandatory shall be defined, at need, by the Council of the League: (c) that the acceptance by the Allied Powers and the United States of the policy of the Balfour Declaration made it clear from the beginning that Palestine would have to be treated differently from Syria and Iraq, and that this difference of treatment was confirmed by the Supreme Council in the Treaty of Sevres and by the Council of the League in sanctioning the Mandate.

Three years later, however, the Arab contention received powerful support from a totally unexpected quarter. Mr Malcolm Mac Donald, the Colonial Secretary of the Chamberlain Government, was the accredited British representative at the 36th Session of the Permanent Mandates Commission of the League of Nations in 1939, and, in attempting to justify the constitutional proposals of his White Paper,** which provided for the establishment of an independent Palestine State with a two thirds Arab majority, fell back on the discredited Article 22 argument. One of the members of the Commission, M. van Asbeck, dismissed it in no uncertain terms: ***

> . . . it was necessary to dismiss at the very start the Arab argument that the Mandate itself ran counter to Article 22 of the Covenant and that the authors of the Mandate, if they had carried out their task competently, would never have drawn up that document, since the Balfour Declaration embodied in it was incompatible with the provision of Article 22 and therefore null and void under Article 20 of the Covenant. In reality, the Balfour Declaration did not

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* Palestine Royal Commission Report, Cmd 5479, 1937, p. 38

** Cmd. 6019, see p.

*** League of Nations, Minutes of the 36th Session of the Permanent Mandates Commission, 1939, p. 200.

constitute an undertaking as contemplated by Article 80 of the Covenant."

. . . Article 22 had been introduced into the debate by Mr Mac Donald, and attention had been mainly directed to paragraphs 1 and 4. With regard to paragraph 1, it appears from the statements of the Secretary of State for the Colonies, that the well-being there mentioned was not only physical, moral, and intellectual well-being, but also political well-being. That notion thus included the idea of independence which, in the present case, had to be applied to a people partly Arab and partly Jewish (the term Jewish here being understood in the wide sense attributed to it in the Balfour Declaration), and without losing sight of the fact that the Mandatory Power was under an obligation to set up a Jewish National Home in Palestine. So far as that idea of independence was concerned, the Jewish element and the Arab element could not be separated, and the independence would have to be such as to guarantee the existence of the Jewish National Home.

As to paragraph 4 ... it should be recalled that the "A" Mandate for Palestine was a mandate sui generis, of which the first article did not provide for assistance from the Mandatory Power to a national Palestinian Government, but simply, as in B mandates, for the government of the country by the Mandatory Power. Further, Article 28 of the Mandate for Syria and the did not expressly stipulate - as in the case of the Mandate for Syria and the Lebanon and the Anglo Iraq Treaty of 1922 - that the Mandate should terminate, but merely contained certain provisions concerning the Council of the League of Nations and the Mandatory Power which should apply in the event of the termination of the Mandate.

Early Jewish -Arab Agreements

From the recital of the foregoing three main points in the Arab case against the Jewish National Home it might be supposed that the publication of the Balfour Declaration in November 1917 provoked an immediate reaction of hostility among the Arab leadership. This is far from being the case. King Hussein's favourable reception of the Hogarth Message was only the first of a number of expressions of agreement with and approval of Jewish aspirations made by the authorised spokesman of the Arab National Movement during the years 1918 and 1919. It was only afterwards, when, as will be seen in the next chapter, the attitude of the military authorities in Palestine had shown itself to be patently antagonistic to the National Home, that Arab opinion changed; in the words of the Political Report of the Zionist organisation to the Twelfth Zionist Congress "

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In the early spring of 1918, Arab leaders in Palestine and Egypt were eager to come to terms with Zionists on the basis of mutual concessions. The Jews re-sponded with the greatest readiness and cordiality. Dr. Weizmann himself took pains to cultivate these germs of rapprochement. Gradually, however, the Arabs' attitude grew more and more reserved, strictly parallel to the increasing antagonism of the British Military Administration to Zionism and Jewish claims. There are clear indications that in some cases direct advice was given to the Arab leaders (of couse, by inferior officials only) to abstain from concessions to the Jews, as the attitude of the Government might yet change. But such direct instigations were hardly necessary. The Arabs felt the atmosphere as keenly as the Jews; and to interpret it they could only rely on their own inherited stock of political conceptions of the value of a pledge. As soon as this view gained strength all hope of a rapprochement was doomed. No efforts on the part of the Jews, no moderation of demands could be of any avail from the moment the Arab Nationalist began to suspect that his opposition to Zionism was secretly welcomed by the authorities, and that the Jew had really no official backing.

Perhaps the most remarkable instance of Arab approval of Jewish National aspirations in Palestine - for here there can be no talk of Zionist pressure - was provided by King Hussein himself in an article which "he caused to be published in his official mouthpiece (al-Qibla - Mecca - No. 1[illegible], March 23, 1918) calling upon the Arab population in Palestine to bear in mind that their sacred books and their traditions enjoined upon them the duties of hospitality and tolerance, and exhorting them to welcome the Jews as brethren and co-operate with them for the common welfare." x)

It should be added that this article also refers to the remarkable achievements of the Jewish people in Palestine as worthy of imitation by the Arabs and states that "the resources

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° Article 20 of the Covenant provided that any undertakings repugnant to the spirit of the League Covenant would be abrogated by the states concerned.

°° Political Report of the Zionist Organisation to the Twelfth Zionist Congress, London, 1921, p. 51.

x°) George Antonius, "The Arab Awakening", London, 1938, p. 269; Antonius says that "the article appears to have been written by Hussein himself."

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of the country are still virgin soil", and will be developed by the labour and capital of the Jewish immigrants. "One of the most amazing things till recent times", the article goes on, "was that the Palestinian used to leave this country, wandering over the high seas in every direction. His native soil could not retain him, though his ancestors had lived on it for over a thousand years. And, at the same time, we saw the Jews from foreign countries streaming to Palestine from Russia, Germany, Austria, Spain, America . . . The cause of causes could not escape those who had the gift of a deeper insight; they knew that that country was for its original sons (abna'ihi-l-asliyin), for all their differences, a sacred and beloved homeland. Experience has proved their capacity to succeed in their energies and their labours . . The return of these exiles (aliya) to their homeland will prove materially and spiritually an experimental school for their brethren (i.e., the Arabs) who are with them in the fields, factories, trades, and in all things connected with toil and labour."

A similar, if more formal, statement was made by the Emir (later King of Iraq) Faisal, King Hussein's third son, who had been the military leader of the Arab revolt and who was the accredited representative of the Arab National Movement at the Versailles Peace Conference. Speaking in the name of the Arab peoples, Faisal said °

> The two main branches of the Semitic family, Arabs and Jews, understand one another, and I hope that as a result of interchange of ideas at the Peace Conference, which will be guided by ideals of self-determination and nationality, each nation will make definite progress towards the realisation of its aspirations. Arabs are not jealous of Zionist Jews, and intend to give them fair play, and the Zionist Jews have assured the Nationist Arabs of their intention to see that they too have fair play in their respective areas.

° In an interview with a representative of Reuter's, published in "The Times", London, December 12th, 1918.

Statements of this nature, can, however, mean a lot of mean nothing at all. They were, admittedly, made by the recognised heads of the Arab national movement, but, it might be claimed, were not official declarations of policy and could therefore not be regarded as binding. Fortunately, or unfortunately, however, an official agreement was made between the Zionist Organisation and the Arabs which not only confirmed the unofficial statements made by Hussein and Feisal, but actually established treaty relations between the Jewish National Home and the future Arab State. This agreement was signed on January 3rd, 1919, by Dr Weizmann on behalf of the Zionist Organisation and the Emir Faisal on behalf of the Arabs, in the folloing terms:

The Feisal-Weizmann Agreement °

His Royal Highness the Emir Feisal, representing and acting on behalf of the Arab Kingdom of Hedjaz, and Dr Chaim Weizmann, representing and acting on behalf of the Zionist Organisation, mindful of the racial kinship and ancient bonds existing between the Arabs and the Jewish people, and realising that the surest means of working out the consummation of their national aspiratio is through the closest possible collaboration in the development of the Arab State and Palestine, and being desirous further of confirming the good understanding which exists between them, have agreed upon the following Articles: -

Article 1

The Arab State and Palestine in all their relations and undertakings shall be controlled by the most cordial good will and understanding, and to this end Arab and Jewish duly accredited agents shall be established and maintained in the respective territories.

Article 2

Immediately following the completion of the deliberations of the Peace Conference, the definite boundaries between the Arab State and Palestine shall be determined by a Commission to be agreed upon by the articles hereto.

Article 3

In the establishment of the Constitution and Administration of Palestine all such measures shall be adopted as will afford the fullest guarantees for carrying into effect the British Government's Declaration of the 2nd of November, 1917.

° Full text published in "The Times", London, June 10th, 1936. See also D.H. Miller, "My Diary at the Conference," ~~at Paris~~, Vol. III, p.

Article 4

All necessary measures shall be taken to encourage and stimulate immigration of Jews into Palestine on a large scale, and as quickly as possible to settle Jewish immigrants upon the land through closer settlement and intensive cultivation of the soil. In taking such measures the Arab peasant and tenant farmers shall be protected in their rights, and shall be assisted in forwarding their economic development.

Article 5

No regulation nor law shall be made prohibiting or interfering in any way with the free exercise of religion; and further the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed. No religious test shall ever be required for the exercise of civil or political rights.

Article 6

The Mohammedan Holy Places shall be under Mohammedan control.

Article 7

The Zionist Organisation proposes to send to Palestine a Commission of experts to make a survey of the economic possibilities of the country, and to report upon the best means for its development. The Zionist Organisation will place the aforementioned Commission at the disposal of the Arab State for the purpose of a survey of the economic possibilities of the Arab State and to report upon the best means for its development. The Zionist Organisation will use its best efforts to assist the Arab State in providing the means for developing the natural resources and economic possibilities thereof.

Article 8

The parties hereto agree to act in complete accord and harmony on all matters embraced herein before the Peace Congress.

Article 9

Any matters of dispute which may arise between the contracting parties shall be referred to the British Government for arbitration.

CHAIM WEIZMANN

Given under Our Hand at FEISAL IBN HUSSEIN.
London, England, the Third
Day of January, One thousand
Nine hundred and nineteen.

At the end of the Agreement, the Emir Faisal made a Reservation in Arabic, the English translation of which is written in English in Colonel Lawrence's handwriting on the original copy, in the following terms:

> If the Arabs are established as I have asked in my manifesto of January 4th addressed to the British Secretary of State for Foreign Affairs, I will carry out what is written in this agreement. If changes are made, I cannot be answereable for failing to carry out this agreement.
>
> FEISAL IBN HUSSEIN

Protagonists of the Arab case have argued that this agreement was of no validity because (i) Feisal was ignorant of English and the ways of European diplomacy °; (ii) he was unauthorised to make agreements on behalf of the Arab national movement; °° and (iii) even if he knew what he was doing and was authorised to sign the agreement, the conditions for its fulfilment were not granted by the Allied Powers.°°° The first two contentions are manifestly baseless: Throughout the negotiations Feisal was advised by prominent Arab political figures whose knowledge of English and the ways of European diplomacy were certainly not less than that of Dr Weizmann; in addition, Col. Lawrence, whose devotion to the Arab cause could hardly be questioned, was constantly at his side and took a large part in drawing up the agreement. As to the second point, Feisal had been the actual leader of the Revolt; he was sent to Paris as the representative of his father, who was the recognised head of the Arab national movement; he negotiated on behalf of the Arabs in all questions concerning the peace settlement in the Middle East, and was accepted by the Allied Powers as their official spokesman - it is thus peculiar that on this point, and on this point alone, his authority should be questioned. Even if this were not so, however, the Arab case can draw little comfort from the minority who repudiated Feisal's authority: On February 13th, 1919, a Syrian Commission, headed by M. Chekri Ganem and including among

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its members Jamil Mardam Bey (later Prime Minister of Syria and a leading figure in the councils of the Arab League), appeared before the Supreme Allied Council to plead for the constitution of an independent Syrian state within its historical frontiers on the grounds that it would be indefensible to subject the educated and progressive Syrian people to the rule of the less advanced Arabs of the Hedjaz. In the concluding part of his statement M. Chekri Ganem said: "May we say one word as regards Palestine - although the subject is said to bea thorny one?"

> "Palestine is incontestably the Southern portion of our country. The Zionists claim it. We have suffered too much from sufferings resembling theirs not to throw open wide to them the doors of Palestine. All those among them who are oppressed in certain retrograde countries are welcome. Let them settle in Palestine, but in an autonomous Palestine, connected with Syria by the sole bond of federation. Will not a Palestine enjoying wide internal autonomy be for them a sufficient guarantee?" °°°°

The third contention has greater validity. It is true that, as a result of the clash of British and French imperialist policies in the Middle East after the War, no unitary Arab state was established at the time: The area which had been promised to the Arabs under the MacMahon pledge was broken up into the independent states of Yemen and Hedjaz (now Saudi Arabia), the British mandates of Iraq and Transjordan, and the French mandates of Syria and the Lebanon. Feisal's condition has, however, since been fully fulfilled - all these states have now gained their independence, mainly as a result of British efforts on their

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° Antonius, op. cit. p. 285
°° Nevill Barbour, "Nisi Dominus", London 1945, p. 89
°°° Antonius, op. cit. pp. 286-7
°°°° David Hunter Miller, "My Diary of the Peace Conference", Vol. XIV, Minutes of the Supreme Council, pp. 389-415

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behalf. There is now no reason for the Arabs to "grudge that small notch - for it is no more than that geographically, whatever it may be historically - that small notch in what are now Arab territories being given to the people who for all these hundreds of years have been separated from it."[x)]

The Arab case was laid before the Council of Five at the Peace Conference on February 6th, 1919. Here again Feisal made it quite clear that Palestine was not included in the territories claimed by the Arabs. In the official note of the meeting the Emir is reported to have referred to that country as follows:

> "Palestine, for its universal character, he left on one side for the mutual consideration of all parties interested. With this exception, he asked for the independence of the Arabic areas enumerated in his memorandum".[xx)]

The Feisal-Frankfurter Correspondence

Shortly afterwards he elaborated on this theme, and reasserted his support of the establishment of the Jewish National Home in Palestine, in a letter addressed to Professor (now Mr Justice) Felix Frankfurter who was then a member of the American Zionist delegation to the Peace Conference. The letter, written on the official note paper of the Hedjaz Delegation and dated March 3rd, 1919, reads as follows:[xxx)]

> Dear Mr Frankfurter,
>
> I want to take this opportunity of my first contact with American Zionists to tell you what I have often been able to say to Dr Weizmann in Arabia and in Europe.
> We feel that the Arabs and Jews are cousins in race, having suffered similar oppressions at the hands of powers stronger than themselves, and by a happy coincidence have been able to take the first step towards the attainment of their national ideals together.
> We Arabs, especially, the educated among us, look with the deepest sympathy on the Zionist movement. Our deputation here in Paris is fully acquainted with the proposals submitted yesterday by the Zionist organisation to the Peace Conference, and we regard them as moderate and proper. We

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x) A. J. Balfour in a speech at the Albert Hall, London, July 12th, 1920

xx) D. H. Miller, op. cit. Vol. IV, p. 286, Document 250. The memorandum referred to is the same as that mentioned in the Reservation to the Feisal-Weizmann Agreement.

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will do our best, in so far as we are concerned, to help them through: we will wish the Jews a most hearty welcome hoeme.
With the chiefs of your movement, expecially with Dr. Weizmann, we have had and continue to have the closest relations. He has been a great helper of our cause, and I hope the Arabs may soon be in a position to make the Jews some return for their kindness. We are working together for a reformed and revived Near East, and our two movements complete one another. The Jewish movement is national, and not imperialist. Our movement is national and not imperialist, and there is room in Syria for us both. Indeed, I think that neither can be a real success without the other.
People less informed and less responsible than our leaders and yours, ignoring the need for co-operation of the Arabs and Zionists, have been trying to exploit the local difficulties that must necessarily arise in Palestine in the early stages of our movements. Some of them have, I am afraid, misrepresented your aims to the Arab peasantry, and our aims to the Jewish peasantry, with the result that interested parties have been able to make capital out of what they call our differences.
I wish to give you my firm conviction that these differences are not on questions of principle, but on matters of detail such as must inevitably occur in every contact of neighbouring peoples, and as are easily adjusted by mutual good will. Indeed nearly all of them will disappear with fuller knowledge.
I look forward, and my people with me look forward, to a future in which we will help you and you will help us, so that the countries in which we are mutually interested may once again take their places in the community of civilised peoples of the world.

Believe me,
Yours sincerely,

(Signed) Feisal.

From the foregoing, it is quite clear that there was full and complete accord between the British, Arab, and Jewish standpoints regarding the Jewish National Home in those years. The reasons for the breakdown of this accord have already been mentioned, and they will be discussed more fully in the following chapters. It is the view of the Zionists that political relations between Jew and Arab need never have reached their present state had the policies put forward and agreed to at the Peace Conference been faithfully carried out by the Mandatory Government. Nevertheless, and in spite of disappointments, they still regard the

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(xxx) Reproduced in the "New York Times", March 5th, 1919.

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improvement of Arab-Jewish relations as a cardinal issue of Zionism. In the words of Mr David Ben Gurion, the Chairman of the Jewish Agency Executive x)

" The Jewish State will result in Arab-Jewish agreement. The Jewish State and Jewish-Arab agreement, [redacted] are the fundamentals of Zionist policy today. The establishment of the Jewish State will prepare the ground for co-operation between Jews and Arabs on the basis of parity and independence, for the promotion of the peace, social progress and economic development of the Semitic countries and the Middle East."

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x) In an address at the session of the Vaad Leumi (National Council of Palestine Jews) held in Jerusalem, April 1st, 1947. Supplement to the Jewish Agency's Digest of Press and Events, No. 166, April 13th, 1947.

PART II

THE BREAKING OF THE PLEDGES

"Unquestionably, however, the primary purpose of the Mandate, as expressed in its preamble and its articles, is to promote the establishment of the Jewish National Home."

(Palestine Royal Commission Report, Cmd 5479, 1937, p. 39)

INTRODUCTION

General Allenby entered Jerusalem on December 8th, 1917, approximately five weeks after the publication of the Balfour Declaration. Ever since then British policy in Palestine has been conducted on lines which have, apparently, been designed to prove that the pledges made in that document, and the obligations undertaken in the Mandate of which it forms a part, are incapable of realisation. Whether this policy was deliberate, or the result of ineptitude, or a combination of the two is beside the point - the fact remains that thirty years of British rule in Palestine have made it so. This process was, of course, gradual. In 1922, His Majesty's Government, while striking the first blow at the Balfour Declaration, were still able to say that the policy embodied in it was "not susceptible of change".[x] In 1930, it was decided that "a double undertaking was involved" and that therefore Jewish immigration should be restricted owing to the shortage of land and the possibility of Arab unemployment.[xx] In 1937, the double undertaking had become "an irreconcilable conflict", necessitating a partition of the country and a further restriction of immigration.[xxx] In 1938, partition was rejected as impracticable and His Majesty's Government decided to call a conference in London to determine future policy meanwhile affirming, as they had never failed to do, that they would "keep constantly in mind the international character of the Mandate with which they had been entrusted and their obligations in that respect."[xxxx] By 1939, still "in strict accordance with their obligations under the Mandate", His Majesty's Government decreed that "after the period of five years (during which 75,000 Jews were to be allowed to enter the country) no further Jewish immigration would be permitted unless the Arabs of Palestine

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x) The Churchill White Paper, Cmd. 1700, June 1922
xx) The Passfield White Paper, Cmd. 3692, October 1930
xxx) 1937 White Paper, Cmd 5513, July 1937
xxxx) Official Communique No. 8/38, November 1938

were prepared to acquiesce in it", and that "the High Commissioner would be given general powers to prohibit and regulate transfers of land" to Jews.[x] In spite of protestations to the contrary, that was, in effect, the end of the Mandate. Now there is nothing left. Not even the pretence, for the British Foreign Secretary, Ernest Bevin, has said that "the Mandate is unworkable"[xx] and by so saying has given the final blow to the tattered edifice of British honour in Palestine.

The tortuous history of Great Britain's Palestine policy may be conveniently divided into five periods: (i) From 1917 to 1920 when the country was under military administration, (ii) The first ten years of Civil Administration, 1920 to 1929, when policy was governed by the Churchill White Paper of 1922, (iii) 1930 to 1939, when the 1922 policy was revised by the Passfield White Paper of 1930 and the Prime Minister's letter of the same year, and later thrown overboard as a consequence of the Arab Riots of 1936 - 1939, (iv) 1939 to 1945, the period of the MacDonald White Paper of 1939, and (v) 1945 to date,- the Bevin era.

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x) Cmd 6019
xx) Parliamentary Debates, House of Commons, February 18th, 1947

CHAPTER V

MILITARY ADMINISTRATION

The present anti-Zionist line of British policy in Palestine is, essentially, the outcome of a conflict between the military school of thought which holds that the Jewish National Home is incompatible with the exigencies of Imperial strategy, and that of the statesmen who believe that "a Jewish State under the protection of the British Crown.....would be....in harmony with the truest interests of the British Empire". x) The Army has now, quite evidently, gained the upper hand. It must not be supposed, however, that this conflict is of recent duration. The first blows were struck, resoundingly, thirty years ago and, as is to be expected when generals are allowed to play politics, Palestine, the Middle East and the British Empire have been the losers ever since.

Army Hostility to Zionism

From December 9th, 1917 until July 7th, 1920, a period of over two and a half years, Palestine was under military occupation and directly administered by the Army as Occupied Enemy Territory Administration South - O.E.T.A. (S) xx) as it was generally known. In spite of the fact that His Majesty's Government's policy with regard to the establishment of the Jewish National Home was universally known before the occupation, O.E.T.A. conducted the country's affairs with, initially, complete indifference and, latterly, open antagonism to that policy. General Allenby's proclamation to the people of Palestine contained no reference to the National Home. xxx) This strange silence lasted more than two years, for it was not until May 1st, 1920 that, under pressure from the Foreign Office, the Chief Administrator of O.E.T.A. officially acknowledged the existence of the Balfour Declaration in a public announcement. xxxx) The delay was fatal. British officers in the administrative grades were led to believe that the pledge to the Jewish people was not a binding statement of policy, but merely an airy piece of war propaganda which could be disregarded when opportune. Worse still was the effect upon the Arabs. Whereas in the early part of 1918 they had been prepared to negotiate with Jewish leaders on the basis of the Balfour Declaration, the general policy pursued by O.E.T.A.,

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together with the blatant anti-Zionist views of a number of its officers, soon convinced them that the Declaration was of little account and that nothing more than a suitable and consistent show of intransigeance would be required to effect its speedy repudiation.

On April 4th, 1918, a Zionist Commission, headed by Dr. Chaim Weizmann and composed of representatives of the Zionist Organisations in the Entente countries, arrived in Palestine to "act as advisory body to the British authorities in Palestine in all matters relating to Jews, or which may affect the establishment of a National Home for the Jewish people in accordance with the Declaration of His Majesty's Government"xxxxx). The Commission left England under the aegis of the British Government and had been provided with letters of introduction signed by Mr. Balfour and Mr. Lloyd George. From the moment of its arrival, the Commission found itself up against a blank wall of antagonism. Its coming had been objected to, xxxxxx) its presence in the country was regarded as a nuisance. Most of its efforts to prepare the ground for the future National Home were stultified by official hostility - even so relatively an unpolitical act as the laying of the foundation stone of the Hebrew University in Jerusalem was blocked by the Administration until orders from London forced it to give in. Directives from London were, however, few and far between. In their absence, the local administration did what it liked - and what it liked was anti-Zionism. Jews, for example, were not admitted to O.E.T.A. service except in insignificant numbers; in Jerusalem, where the Jews were a majority, the number of Jewish policemen was nineteen out of a total of one hundred and fifty; the appointed Mayor of Jerusalem was an Arab who while still in

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See p.1

x) Mr. Winston Churchill in the Illustrated Sunday Herald, February 8, 1920

xx) Under the Sykes-Picot Agreement of 1916, the Turkish Empire was to have been split up between Great Britain, France, and Russia. In spite of Russia's defection, France insisted upon the implementation of the agreement vis a vis Britain and accordingly took over the administration of OETA West (Lebanon) and later OETA East (Syria)

xxx) Political Report of the Zionist Organisation to XXII Congress p. 43

xxxx) Ibid. p. 53

xxxxx) Political Report of the Zionist Executive to the XXII Zionist Congress, p. 14

xxxxxx) Sir Ronald Storrs, Orientations, London 1937 p. 352

office, led an Arab deputation to the authorities with a demand for the stoppage of Jewish immigration; the Hebrew language was treated with contempt - official documents were issued in English and Arabic; railway tickets, notices, signboards all followed the same rule; official correspondence with Jews was conducted in English while the Arabs enjoyed the courtesy of being addressed in their own tongue; the study of Arabic was made a sine qua non of continued official employment - Hebrew in the future National Home was considered unnecessary.

It is superfluous to add to the list. What has been said above should be sufficient to demonstrate the attitude of O.E.T.A. to the declared policy of His Majesty's Government. The attitude of its individual officials was no less hostile, as the following three representative incidents show: In October 1919, the Military Governor of Jaffa, in reply to a letter addressed to him by the Moslem Christian Club, stated in writing that the Balfour Declaration simply meant that Jews would be allowed to come to Palestine in the same way as any other individuals. This letter was circulated to all Arab clubs in the country as well as to certain foreign consulates.[x] It will be remembered that this was before the existence of the Declaration was officially acknowledged by the Administration - its meaning however seems to have been only too well understood. A few weeks later a new Military Governor of the same district told a representative of the Zionist Commission that he looked upon all non-Sephardic Jews in Palestine (the majority) as foreigners who had no business in the country and that he was going to address Jewish deputations in Arabic.[xx] The third incident concerns the first Chief Administrator of OETA, Major General Sir Arthur Money who, according to Sir Ronald Storrs, a former Governor of Jerusalem, "laid the first foundations of the

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x) Political Report of the Zionist Executive to the XXII Zionist Congress p. 48

xx) Political Report, p. 48

future Palestine Government."[x] Late in 1918 Sir Arthur Money attended a concert at the Jerusalem School of Music at which, as had been customary, the Jewish National Anthem, Hatikvah, was played at the commencement of the performance. General Money had risen with the audience before the orchestra started playing, but, on learning that he was hearing the Jewish Anthem instead of the British, promptly sat down, to be followed by all his staff.[xx] This deliberate insult evoked a storm of angry protest throughout the world, but the protests were of little avail. General Money, for this and other acts in defiance of His Majesty's Government's declared policy, was later relieved of his post; but the damage had been done - he had laid the foundations of the future Palestine Government only too well.

In 1919, reports of the conditions in Palestine constrained the Foreign Office to intervene again. On August 4th Mr. Balfour sent detailed instructions to the Palestine authorities which, inter alia, laid down that the American and French Governments were equally pledged to support the establishment in Palestine of the Jewish National Home; that this should be emphasised to the Arab leaders at every opportunity; that the Balfour Declaration was the declared policy of the British Government and that continued agitation would be useless and detrimental.[xxx] Outwardly these new instructions appeared to bear some fruit - Hebrew received more recognition than hitherto in official correspondence, the number of Jewish personnel in OETA service was increased - but the position remained essentially the same. The Army was still unalterably opposed to Zion.

The Riots in 1920

The inevitable climax came in April 1920 when an outbreak of Arab violence led to the loss of several Jewish lives in the Old City of Jerusalem. The Arabs had seen the way the wind was blowing, and had decided that the time was ripe for a final show-down with Zionism.[xxxx]

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x) ~~Political Report,~~ ~~p. 48~~ Storrs, Orientations, p. 329
xx) Ibid, p. 485
xxx) Political Report, p. 53
xxxx) This was before the San Remo Decision (April 1920) which confirmed the Balfour DEclaration.

They had had ample encouragement - the Administration's hostility to the Jews was undisguised; senior British officers had shown clear pro-Arab leanings; Military Governors and their staffs had not only permitted, but even attended, the anti-Jewish demonstrations which preceded the riots. During and after the incidents the hostile attitude of the Military authorities was, if anything, even more patent. Members of the Jewish Self-Defence Organisation (Haganah) which had successfully prevented outbreaks in other parts of the country were arrested and imprisoned for long periods, while the Arab instigators were either released on bail or pardoned. Official spleen was vented on the Zionist Commission whose premises were searched, as was Dr. Weizmann's private house, for evidence of connection with the defence organisation. His Majesty's Government were compelled to realize that matters had gone too far. One of two things had to happen - either the Army was to be allowed to dictate Government policy in Palestine according to its own lights, or it had to get out.

On July 1st, 1920, Sir Herbert Samuel was appointed High Commissioner for Palestine, and the Military Administration officially came to an end. Officially - but not actually. The seeds of discord sown during two and a half years of absolute Army rule had been well sown. They flowered and bore fruit during the troubled years which were to follow, and today, after twenty-five years of bedevilling the issue by long range from Cairo Military Headquarters, the Army is back in Palestine. Again in full control - but this time with no government and no policy to check it.

CHAPTER VI

1

CIVIL ADMINISTRATION

1920 - 1929

Sir Herbert Samual arrived in Palestine on June 30th, 1920 and inaugurated the Civil Administration of Palestine on July 7th by the reading of a message from His Majesty King George V to the People of Palestine. The message re-affirmed the Balfour Declaration of November 2nd, 1917, in terms which were hardly calculated to encourage the Jews to feel any confidence in the intentions of the new regime:

> "You are well aware that the Allied and Associated Powers have decided that measures shall be adopted to secure the gradual establishment in Palestine of a National Home for the Jewish People. These measures will not in any way affect the civil or religious rights or diminish the prosperity of the general population of Palestine". x)

The new High Commissioner, nevertheless, applied himself vigorously to the herculean task of creating a modern administration out of the corrupt and inefficient Turkish legacy which had been so carefully preserved by O.E.T.A. An Advisory Council was appointed composed of twelve official and ten non-official members - four Moslem Arabs, three Christian Arabs and three Jews - which, under the presidency of the High Commissioner, acted as a sort of Parliament. Considerable legislation was enacted dealing with land transfers, roads, immigration, town planning, public health and other instruments of a civilised state. In addition, important steps were taken to regularise the position of the Hebrew language in anticipation of the provisions of Article 22 of the Mandate: all Government notices now appeared in Hebrew as well as in English and Arabic; correspondence with Jews was conducted in Hebrew; Courts of Law and other Government institutions with which the general public did business used all three languages. It was generally felt that a start, and very promising start, was being made on the road to the National Home.

Palestine Government Officialdom

There is no doubt that considerable progress was made in the first year of Civil Administration: Some semblance of order had been intro

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x) Quoted by Nevill Barbour, "Nisi Dominus", London 1946, p. 98

duced in to the government of Palestine, while most of the glaring injustice of the OETA regime had been removed by legislative action. Unfortunately, however, much of Sir Herbert Samuel's effort to administer the country in accordance with the pledge of His Majesty's Government was vitiated by a ruinous legacy bequeathed by the Military Administration. The Government of Palestine was of the traditional Crown Colony type. The senior officials, with one or two exceptions, were all British - a large proportion being carry-overs from OETA. Their inefficiency was notorious - including as they did "a cashier from a Bank at Rangoon, an actor-manager, two assistants from Thomas Cook, a picture dealer, an Army coach, a clown, a land valuer, a bo'sun from the Niger, a Glasgow distiller, an organist, an Alexandrian cotton broker, an architect (not in the public works but in the Secretariat), a Junior Civil Service London Postal Official (not in the Post Office but as Controller of Labour), a taxi-driver from Egypt, two schoolmasters and a missionary", this was not surprising. Worse still was the overt opposition of many of their number to the declared policy of the Government.xx) Through their influence on the High Commissioner's Advisory Council, where they were a majority, in the various Government departments and in the District Administrations, they were able to reduce, and in many cases to nullify, the effect of the reforms introduced by the High Commissioner.

The 1921 Disturbances

The retention of so considerable a proportion of OETA personnel in the new administration has had far reaching consequences on the subsequent history of Palestine. The Army, which had ostensibly got out of Palestine for good, was able to preserve its influence on the destinies of the country in the hands of the very efficient fifth column it had left behind. It was not long before gratifying results were forthcoming: On May 1st, 1921, there was a renewed outbreak of Arab violence in Jaffa and the surrounding colonies - far more serious than the Jerusalem outrages of the previous year - whose immediate

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x) Sir Ronald Storrs, "Orientations", p. 375

xx) Ibid., p. 376. Storrs talks of "two or three officers in high positions" who were overtly anti-Zionist. Anyone acquainted with the true state of affairs in Palestine could [illegible]

results were the temporary stoppage of Jewish immigration and a series of conciliatory measures, including a new interpretation of the Balfour Declaration x), which went far to encourage the Arabs and their sponsors to a belief in the ultimate success of their cause. One of these measures was the establishment, in December 1921, of a Supreme Moslem Council to counterbalance what the Arabs thought was the extreme influence exercised by the Zionist Executive on the Palestine Government, and which was to control the income of the Awqaf (Moslem religious endowments - amounting to about £100,000 annually) and the affairs of the Sharia Courts (religious tribunals with jurisdiction over matters of personal status). The man selected to be President of the Supreme Moslem Council, and thus virtual dictator of the Arabs of Palestine, was Haj Amin el Husseini who had been sentenced in absentia to fifteen years imprisonment for his part in the Jerusalem riots, but who had been pardoned by the High Commissioner and appointed Mufti of Jerusalem. The subsequent history of this person, in Palestine, Iraq and Germany, is too well known to need repetition.

The Churchill Settlement

In the early part of 1921 Mr. Winston Churchill, the Secretary of State for the Colonies, to which department the Government of Palestine was now responsible, visited the Middle East for the purpose of settling the various conflicting claims which had arisen as a result of the war. The immediate result of his visit was the reduction of the area of the National Home by two thirds. The Emir Abdullah of the Hedjaz had entered the territory east of the Jordan with a few hundred guerrillas for the purpose of avenging his brother Feisal (later King of Iraq) who had been evicted from Damascus by the French. To halt Abdullah, Mr. Churchill offered him dominion over his temporary encampment - now the Kingdom of Transjordan. Mr. Churchill later visited Jerusalem where Jewish chagrin at the partition of the National Home was, to some extent, mollified by his emphatic avowal of the British Government's intention to carry out the provisions of the Balfour Declaration in the remainder of the country. An Arab delegation was similarly informed. The Arabs were, however, not satisfied, and followed the Colonial Secretary to England where, thanks to a

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x) "The Jews, a people who are scattered throughout the world, but whose hearts are always turned to Palestine, should be enabled to found here their home, and that some of them, within the limits that are fixed by the numbers and interests of the present population, should come to Palestine in order to help by their resources and efforts to develop the country, to the advantage of all its inhabitants." (Storrs: "Orientations", London, 1939, p. 372)

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successful press campaign, they were able to obtain substantial modification of the pledge. In June 1922, His Majesty's Government published its "Correspondence with the Palestine Arab Delegation and the Zionist Organisation" (Cmd 1700), which contained the celebrated policy which was to form the basis of the administration of Palestine for the next twenty-seven years.

The Churchill White Paper of 1922 x)

The first part of the Churchill White Paper was devoted to a refutation of the Arab delegations demand for the repudiation of the Balfour Declaration and the establishment of a national government in Palestine based on the then population strengths in the country. The point was made very clearly in the following letter:

> .... Mr. Churchill regrets to observe that his personal explanations have apparently failed to convince your Delegation that His Majesty's Government have no intention of repudiating the obligations into which they have entered towards the Jewish people. He has informed you on more than one occasion that he cannot discuss the future of Palestine upon any other basis than that of the letter addressed by the Right Honourable A.J. Balfour to Lord Rothschild on the 2nd November, 1917, commonly known as the "Balfour Declaration." ....
>
> .... It is quite clear that the creation at this stage of a national Government would preclude the fulfillment of the pledge made by the British Government to the Jewish people.

On the other hand, the Statement of Policy, excerpts of which are reproduced below, which was included in the letter to the Zionist Organisation, went very far to allay Arab suspicions of any possible subordination of their interests to that of the Jewish National Home:

British Policy in Palestine

> .....The tension which has prevailed from time to time in Palestine is mainly due to apprehensions, which are entertained by both sections of the Arab and by sections of the Jewish population. These apprehensions, so far as the Arabs are concerned, are partly based upon exaggerated interpretations of the meaning of the Declaration favouring the establishment of a Jewish National Home in Palestine, made on behalf of His Majesty's Government on 2nd November, 191 . Unauthorised statements have been made to the effect that the purpose in view is to create a wholly Jewish Palestine. Phrases have been used such as that Palestine is to become "as Jewish as England is English". His Majesty's Government regard any such expectation as impracticable and have no such aim in view. Nor have they at any time contemplated, as appears to

x) Cmd. 1700, July, 1922.

x) [illegible]

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x)

be feared by the Arab Delegation, the disappearance or the subordination of the Arabic population, language or culture in Palestine.

....They (His Majesty's Government) would draw attention to the fact that the terms of the Declaration referred to do not contemplatethat Palestine as a whole should be converted into a Jewish National Home, but that such a home should be founded in Palestine. In this connection it has been observed with satisfaction that at the meeting of the Zionist Congress, the supreme governing body of the Zionist organisation, held at Carlsbad in September, 1921, a resolution was passed expressing as the official statement of Zionist aims "the determination of the Jewish people to live with the Arab people on terms of unity and mutual respect, and together with them to make the common home into a flourishing community, the upbuilding of which may assure to each of its peoples an undisturbed national development."

....So far as the Jewish population of Palestine are concerned, it appears that some among them are apprehensive that His Majesty's Government may depart from the policy embodied in the Declaration of 1917. It is necessary, therefore, once more to affirm that these fears are unfounded, and that that Declaration, re-affirmed by the Conference of the Principal Allied Powers at San Remo and again in the Treaty of Sevres, is not susceptible of change.

During the last two or three generations the Jews have recreated in Palestine a community, now numbering 80,000, of whom about one-fourth are farmers or workers on the land. This community has its own political organs; an elected asembly for the direction of its domestic concerns; elected councils in the towns; and an organization for the control of its schools. It has its elected Chief Rabbinate and Rabbinical Council for the direction of its religious affairs. Its business is conducted in Hebrew as a vernacular language, and a Hebrew press serves its needs. It has its distinctive intellectual life and displays considerable economic activity. This community, then, with its town and country population, its political, religious and social organisations, its own language, its own customs, its own life, has in fact "national" characteristics.

....When it is asked what is meant by the development of the Jewish National Home in Palestine, it maybe answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world, in order that it may become a centre in which the Jewish people as a whole may take, on grounds of religion and race, an interest and pride. But in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on sufferance. THAt is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognized to rest upon ancient historic connection.

This, then, is the interpretation which His Majesty's Government place upon the Declaration of 1917, and, so understood, the Secretary of State is of opinion that it does not contain or imply anything which need cause either alarm to the Arab population of Palestine or disappointment to the Jews....

....For the fulfilment of this policy it is necessary that the Jewish community in Palestine should be able to increase its numbers by immigration. This immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals. It is essential to ensure that the immigrants should not be a burden upon the people of Palestine as a whole, and that they should not deprive any section of the present population of their employment....

The main principles of the Churchill White Paper are the following: (i) "that the (Balfour) Declaration ....is not susceptible of change, (ii) that the Jewish community "should know that it is in Palestine as of right and not on sufference", (iii) "that the existenceof the National Home should be internationally guaranteed, and that it should be formally recognized to rest upon ancient historical connection" (the latter statement was reproduced in Recital 3 of the Mandate for Palestine), (iv) "that the Jewish community should be able to increase its numbers by immigration", but (v) "this immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals". The final clause was, from a practical point of view, perhaps the most important. Until 1937 when the "political high level" was made the basis of immigration policy, the principle of "economic absorptive capacity" governed the flow of Jewish immigration to Palestine. The principle was departed from on many occasions, notably in the 1929/30 period, and given a new interpretation in the Passfield White Paper of 1930, but it was never formally repudiated.

Zionist Reaction to the 1922 White Paper

As will be easily understood, the Churchill White Paper was not accepted by the Zionist Organisation with overmuch enthusiasm. Jewish opinion was inclined to agree with that of Commander Hogarth, who had said that the White Paper was the Balfour Declaration in"depreciated currency". While the re-affirmation of His Majesty's Government's policy in support of the National Home was welcomed, it was felt that the new interpretation of the nature of that Home would have the effect

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x) Commander D. G. Hogarth had been a member of the Arab Bureau in Cairo during the war, and had been the first to inform King Hussein of the existence of the Balfour Declaration (1918). He was not a Zionist.

of limiting its development. Particular disappointment was felt at the absence of any hint of the future Jewish State, whose coming had been so widely foretold but a few years before. However, as the Palestine Royal Commission was to say fifteen years later, "there was nothing in it (the White Paper) to prohibit the ultimate establishment of a Jewish State"[x] which if not as Jewish as England is English would at least be "as Jewish as Canada is British".[xx] With this in consideration, and no doubt feeling that a whittled down policy was better than no policy at all, the Zionist Organisation accepted the White Paper in a letter addressed to the Colonial Secretary dated June 18, 1922, in the following terms:

> Sir,
>
> With reference to your letter of June 3rd, receipt of which has already been acknowledged, I have the honor to inform you that the Executive of the Zionist Organisation have considered the statement relative to the policy of His Majesty's Government in Palestine, of which you have been good enough to furnish them with a copy, and have passed the following resolution:-
>
> "The Executive of the Zionist Organisation, having taken note of the statement relative to British policy in Palestine, transmitted to them by the Colonial Office under date June 3rd, 1922, assure His Majesty's Government that the activities of the Zionist Organisation will be conducted in conformity with the policy therein set forth."
>
> The Executive observe with satisfaction that His Majesty's Government, in defining their policy in Palestine, take occasion once more to re-affirm the Declaration of November 2nd, 1917, and lay it down as a matter of international concern that the Jewish people should know it is in Palestine as of right.
>
> The Executive further observe that His Majesty's Government also acknowledge, as a corollary of this right, that it is necessary that the Jews shall be able to increase their numbers in Palestine by immigration, and understand from the statement of policy that the volume of such immigration is to be determined by the economic capacity of the country from time to time to absorb new arrivals. Whatever arrangements may be made in regard to the regulation of such immigration, the Executive confidently trust that both His Majesty's Government and the Administration of Palestine will be guided in this

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x) Cmd 5479, p. 33

xx) (Mr. Philip Noel-Baker) Parliamentary Debates, House of Commons, May 22nd, 1939

matter by the aforesaid principle.

The Zionist Organisation has at all times been sincerely desirous of proceeding in harmonious co-operation with all sections of the people in Palestine. It has repeatedly made it clear both in word and deed that nothing is further from its purpose than to prejudice in the smallest degree the civil or religious rights or the material interests of the non-Jewish population. The Zionist Organisation will continue on its side to spare no efforts to foster the spirit of goodwill to which His Majesty's Government have pointed as the only sure foundation for the future ~~prosp~~ prosperity of Palestine. The Executive earnestly hope that the statement of policy which His Majesty's Government propose to issue will once and for all dispel such misapprehensions as may still exist, and that, loyally accepted by all parties concerned, it may mark the opening of a new era of peaceful progress.

I have, etc.

(signed) Ch. Weizmann.

Progress Under the White Paper

On receipt of this letter, the Government was able to place its policy before the House of Commons with the confidence that the party most intimately concerned had given its approval, and succeeded in obtaining a large majority in support of the principles outlined in the White Paper. Shortly afterwards, on July 24th, 1922, the Mandate for Palestine was approved by the Council of the League of Nations and, on August 10th, 1922, the High Commissioner was formally advised of the policy to be pursued in the administration of the country in a series of Instructions drafted by the Colonial Office in the name of His Majesty the King. The main points of the Instructions x) were the following:

XVI. No proposed Ordinance which shall be in any way repugnant to, or inconsistent with, the provisions of the Mandate shall be submitted to the Legislative Council. xx)

.....

XVII. The High Commissioner shall be guided by the statement of British policy in Palestine presented to Parliament by Our Command on the 1st day of July, 1922. While ensuring that the rights and position of other sections of the population are not prejudiced, he shall facilitate Jewish immigration under suitable conditions and shall encourage the close settlement of Jews on the land, including State lands not required for public purposes.

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x) Quoted by M. Lazersohn in "On the Mandate", Tel Aviv, 1937, pp92-

xx) A Legislative Council had been proposed in the 1922 White Paper. Elections were held in July 1923, but, owing to Arab refusal to co-operate, the matter was dropped.

The next seven years were tranquil. Arab opposition to the National Home seemed to have been allayed by the reassuring words of the White Paper and by the considerable social and economic progress which had been made in the administration of the country under Sir Herbert Samuel, whose term of office ended in 1925, and his successor, Field Marshal Lord Plumer (1925 - 1928). It was felt that the violent outbreaks of 1920 and 1921 were not likely to recur, and, to prove the confidence of the authorities, the British garrison in Palestine was reduced from three battalions of infantry, three regiments of cavalry, artillery and ancillary troops to a single R.A.F. squadron and two armoured car companies. The National Home had also made steady progress: In spite of a severe economic depression between 1926 and 1928, the Jewish population in the country had risen from 55,000 in 1921 to 151,000 in 1928; the area of land in Jewish ownership increased to over a million dunams (about 250,000 acres); electric light and power had been introduced by the Jewish owned Palestine Electric Company; and noteworthy advances had been made in agricultural and industrial production.

The 1929 Riots

This was not to last. The Arab Higher Executive had been merely biding its time. The opportunity came at the end of 1928 when, as a consequence of a dispute as to Jewish rights of worship at the Wailing Wall, the Mufti was enabled to enlist the forces of Moslem religious fanaticism to his waning national cause. Wild tales of Jewish designs on the Moslem Holy places were spread among the ignorant Arab peasantry. The Mufti went so far as to claim "that the Jews' aim is to take possession of the Mosque Al-Aqsa" x) and rebuild the Temple on its site. The outcome was inevitable. From the 23rd to the 29th August, 1929, murderous attacks were made on Jews in various parts of the country. The most violent were not directed against the new settlements, where the Jewish Self-Defence organisation would have afforded protection, but against the old-established Jewish communities in Hebron and Safed where Jews had lived on amicable terms with their neighbours for centuries. In Hebron over sixty Jews were killed, including women and children, and more than fifty wounded. In Safed forty-five Jews were killed or wounded. There was much looting and wanton destruction at both places. Less sanguinary outbreaks took place in Jaffa and Jerusalem. In the rural areas a number of Jewish colonies were attacked and six virtually destroyed. The total of Jewish casualties was 133 killed and 339 wounded.

The Shaw Commission

On September 13, 1929, a Commission of Enquiry headed by Sir Walter Shaw was appointed "to enquire into the immediate causes which led to the....outbreak in Palestine and to make recommendations as to the steps necessary to avoid a recurrence". After three months of public session in Jerusalem, the Commission produced a majority report, published as Command Paper 3530 on March 31st 1930, which went far to meet the Arab case. After

x) Shaw Commission Report, Cmd 3530, p.31

case. After attributing the main cause of outbreak, which it regarded as unpremeditated, to "racial animosity on the part of the Arabs, consequent upon the disappointment of their political and national aspirations and fear for their economic future"[x] resulting from possible Arab unemployment and landlessness due to Jewish immigration and land purchase, the Commission went on to make a series of recommendations which were, in effect, a further limitation of the National Home. The main recommendations were (1) "the issue of a clear statement of the policy which His Majesty's Government intend to be pursued in Palestine", including a definition of the meaning of the passages in the Mandate which purported to safeguard the interests of the non-Jewish communities: (2) a revision of the methods of regulating immigration to prevent a "repetition of the excessive immigration of 1925 and 1926": and (3) the initiation of a scientific expert enquiry into "the prospects of introducing improved methods of cultivation in Palestine", and regulation of land policy in accordance with the results.[xx] It will be noted that the three recommendations were a clear invitation to the British Government to produce a new interpretation of the Balfour Declaration to the detriment of the Jews; to make further restrictions on the flow of Jewish immigration; and to restrict the purchase of land by Jews.

To the jubilation of the Arabs, who saw in the Commission's findings a confirmation of their belief in the efficacy of

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x) Mr. (later Baron) Snell, a member of the Commission, did not agree with many of its findings and wrote a minority report. On this point he declared that "many of the immediate causes of the riots were of a temporary rather than of a fundamental character and were due to fears and antipathies which....the Moslem and Arab leaders awakened and fostered for political needs" (Cmd 3530, p. 172)

xx) Quoted, with above comments, in Palestine Royal Commission Report, 1937, Cmd. 5479, p. 71.

political violence, the Government gave its approval to the Shaw Report, at the same time seeking to allay Jewish disappointment by announcing that

> "His Majesty's Government will continue to administer Palestine in accordance with the terms of the Mandate approved by the League of Nations. That is an international obligation from which there can be no receding .....It is the firm resolve of His Majesty's Government to give effect in equal measure to both parts of the (Balfour) Declaration, and to do equal justice to all sections of the population of Palestine. That is a duty from which they will not shrink, and to the discharge of which they will apply all the forces at their command." x)

This was speedily proved to be just anotherpledge in a now vencrabbe tradition. On May 6th, 1930, Sir John Hope Simpson was appointed to conduct the inquiry into the land, immigration and development policy recommended by the Commission, and ten days later the Government announced a 70% cut in the labour immigration schedule which had been sanctioned on May 12th with the somewhat ungainly excuse that the High Commissioner for Palestine did not know what he was doing.

The Shaw Commission's Report before the Permanent Mandates Commission

Meanwhile, in accordance with Article 22 (paragraph 9) of the Covenant of the League of Nations which obliged the Mandatory Power to render the Council an annual report on the administration of its trust, the Shaw Commission Report was submitted to the Permanent Mandates Commission of the League at its Seventeenth (Extraordinary) Session held at Geneva from June 3rd to 21st, 1930, where it was subjected to severe criticism. The Mandates Commission refused to agree that the outbreaks of 1929 were unpremeditated and censured the Palestine Administration for its negligence

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x) Mr. James Ramsay Macdonald (Prime Minister), Parliamentary Debates, House of Commons, April 3rd, 1930

in not taking proper precautions. It then went on to examine "whether the Mandatory Power had, by the general policy it had followed since the Mandate came into force, done everything that could legitimately be expected of it to prevent the explosion of the antagonisms that were known to exist, and to lessen their violence" x) and came to the conclusion that "on certain points the Mandatory Power had not yet succeeded in giving full effect to the provisions of the mandate", xx) in particular as regards those provisions which obliged the mandatory Power to take an active part in the promotion of the Jewish National Home. As one of the members of the Commission, Professor Rappard, said: xxx)

> It was the Commission's duty - in fact, its main, and almost its sole, duty -- to see whether the mandate was being carried out. There were several provisions in the mandate which contained affirmative provisions, for instance, article 2, reading: 'The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.' It was neither a civil nor a religious right to be a peasant, to have land, and that fact did not limit the duty of the Mandatory to place the country 'under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home.' Article 6, again, said: 'The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage.....close settlement by Jews on the land.' What had the Government done in the course of ten years to place the country under 'such political administrative and economic conditions as would secure the establishment of the Jewish National Home', to 'facilitate Jewish immigration under suitable conditions', to 'encourage, in co-operation with the Jewish Agency referred to in Article 4, close settlement by Jews on the land', and, in accordance with Article II, to 'introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of pro-

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x) League of Nations, Permanent Mandates Commission, Minutes of 17th (Extraordinary) Session, June 1930, p. 141

xx) Ibid. p. 142

xxx) Ibid . pp 81-82

moting the close settlement and intensive cultivation of the land?' It seemed to M. Rappard that the Mandatory Power had somewhat lost sight of the very peculiar duty which it had to fulfill in Palestine...

....TM. Rappard's feeling was that if the matter werelooked at quite impartially from the point of view of the mandate as it stood (and that was the law in this matter), the Government's method of encouraging immigration had been to limit it, and that they had practically done nothing concrete, so far as M. Rappard could make out, to encourage close settlement by Jews on the land...

He had asked what measures the mandatory Power had taken to facilitate Jewish immigration, to encourage close settlement by Jews, and he had been told that the mandatory Power had allowed the establishment of a Jewish Agency. That was so. The Jewish Agency existed under the terms of the mandate. An Arab Agency had also been offered, and M. Rappard had no objection to that; but the recognition of the Jewish Agency in itself was no positive contribution.

...."He had also been told that an Immigration Department had been established; but every country had an immigration department; the main object of the Palestine department, however, was to restrict immigration. There was no indication of a desire to facilitate it. The fact of immigration having been allowed, and having been carried on, thanks to the large resources of the Jewish Agency, was no merit of the Mandatory Power. Those resources had not been gathered at the request of the mandatory Power, although it so happened that they had been made available and had naturally been applied. Even if there had been no policy for a Jewish National Home, any organisation that collected resources and poured them into the country would be welcome to any mandatory Power."

In their Report to the League Council on the Immigration and Land questions, the Commission stated that it

views with approval the Mandatory Power's intention of keeping Jewish immigration proportionate to the country's capacity of economic absorption, as clearly intimated in the White Paper of 1922. The Commission is inclined to ask whether the obligation to encourage close settlement by the Jews on the land does not -- as a measure for the preservation of social order and economic equilibrium -- imply the adoption of a more active policy which would develop the country's capacity to receive and absorb immigrants in larger numbers with no ill results.

Such a policy seems to have been no more than outlined in the form of encouragement and protection

for embryo industries. It is quite clear, however, that the Jewish National Home, so far as it has been established, has in practice been the work of the Jewish organisation. x)

On the subject of security the Commission was even more explicit:

> The Mandate seemed to offer other prospects to the Jews. It must be recognised that their charge against the Palestine Government, that it has not fulfilled, by actual deeds, the obligation to encourage the establishment of the National Home, has been notably reinforced by the fact that the Government has shown itself unable to provide the essential condition for the development of the Jewish National Home -- security for persons and property. xx)

The Commission was, however, of the opinion that the ill-effects of Government inaction had not been limited to Jewish interests, but had affected the whole field of good relations between the two communities. It therefore recommended that, instead of widening the gulf by ill-considered acts, the Government take positive steps to encourage Arab Jewish co-operation, at the same time warning that

> "The Mandatory Power must return a definite and categorical refusal....to all the sections of the population which are rebelling against the Mandate, whether they object to it on principle or wish to retain only those of its provisions which favour their particular cause....as long as the leaders of a community persist in repudiating what is at once the fundamental charter of the country and, as far as the Mandatory Power is concerned, an international obligation which it is not free to set aside." xxx)

The Hope-Simpson Report

Sir John Hope Simpson's Report on Immigration, Land Settlement and Development was published on October 21st, 1930, xxxx) and "once more, it seemed, it was the Arab rather than the Jewish point of view which had prevailed". xxxxx) Basing

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x) Permanent Mandates Commission, Minutes 17th Session, pg. 142
xx) Ibid. p.142
xxx) Ibid, p. 143
xxxx) Cmd. 3686, London 1930
xxxxx) Palestine Royal Commission Report Cmd 5479 p. 71

his conclusions on a totally erroneous osculation of the cultivable area of Palestine, ////x) Hope Simpson, after implying that Jewish colonisation had already resulted in the displacement of a large number of Arab fellahin, reported that this area of Palestine was not sufficient to support the present Arab population, and that therefore the admission of Jewish immigrants as settlers on the land should cease as "there was no margin of land available" xx) - including State lands. He furthermore expressed his objection to the article in the Jewish National Fund lease agreements which provides for the employment of Jewish labour on Jewish nationally-owned land and expressed the opinion that "it cannot be regarded as desirable that large areas of land should be transferred to" xxx) that body. Despite this however, the report on land settlement concluded on a more favourable note. In Sir John's opinion, a carefully planned system of agricultural development would, in the course of a long time, provide room for another twenty-thousand families of land-workers xxxx) and, if water were found, the settlement of the Negev would solve all problems. xxxxx)

The Hope Simpson Report was less encouraging in his survey of the possibilities of industrial development. He completely rejected the Jewish thesis that Palestine could, with the aid of Jewish capital and skilled manpower, become an important industrial centre in the Middle East. He ~~had~~ ~~were~~ lent an attentive ear to Arab complaints that the modernisationof the country was leading to the extinction of the primitive Arab industry, and thus recommended that the admission of Jewish immigrants for industry should be governed

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x) 6,544,000 dunams as opposed to the Government Commissioner of Lands' estimate of 10, 592,000 dunams and the Jewish Agency's survey of 12,000,000.

xx) Cmd 3686, p. 141

xxx) Ibid. p. ~~//~~ 56

xxxx) Ibid p. 153

xxxxx) Ibid. p. 20

by the degree of Arab unemployment existing at the time.

In the light of what has happened in Palestine since Sir John Hope Simpson wrote his Report, his findings cannot be regarded as anything but the purest fantasy. Between 1930 and 1946, the Jewish population of Palestine more than trebled itself; the area of land in Jewish possession increased from 270,000 (67,500 acres) dunams to 1,807,000 dunams (451,750 acres); the number of Jewish agricultural settlements increased from about 110 to 290, while the rural population increased from about 40,000 to 160,000. All this without displacing a single Arab peasant. Industrial progress has been evenmore remarkable; During the last war Jewish Palestine became the most important industrial centre and supply base in the Middle East with a skilled labour force of over 110,000 persons. There was no Arab unemployment.

CHAPTER VII

THE SECOND DECADE, 1930 - 1939

The Passfield White Paper of 1930 x)

Concurrently with the Hope Simpson Report, the British Government issued its long awaited Statement of Policy on Palestine, which has since become known as the Passfield White Paper, after the name of the Secretary of State for the Colonies under whose authority it was issued. The White Paper was a grievous blow to Jewish hopes. After commencing with the now customary re-affirmation of His Majesty's Government's firm "intention eto continue to administer Palestine in accordance with the Mandate as approved by the Council of the League of Nations" which, in sooth, was an "international obligation from which there was no question of receding" and from the path of which "neither pressure nor threats" whould move them, the White Paper speedily proceeded to demonstrate precisely the contrary. The Prime Minister's statement - " a double undertaking is involved, to the Jewish people on the one hand and to the non-Jewish population on the other" - was made the main thesis of the Statement of Policy, and was construed to mean that the primary obligation of the Government was the progress and well-being of the Arabs, while the Jewish National Home was to be crystallised at its then stage of development. A particular feature of the White Paper was its complete disregard of the mandatory undertaking to the entire Jewish people - throughout the document the Jewish community of Palestine was referred to

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x) Statement of Policy by His Majesty's Government in the United Kingdom, Cmd 3692, London, October 21st, 1930.
xx) Mr James Ramsay Macdonald, Parliamentary Debates, House of Commons, April 3rd, 1930.

as if it existed in vacuo.

On the practical issues of the administration of Palestine, the Government made recommendations under three heads: Security was to be maintained by an increase in the British garrison, by a re-organisation of the Palestine Police Force and by a scheme of defence for Jewish colonies; the Constitutional Development of the country was to be promoted by the establishment of a Legislative Council - on which Jews would be a minority - on the lines proposed in the 1922 White Paper. In case of non-co-operation by any particular community, as had happened in 1923 when the Arabs boycotted the elections, the High Commissioner would be empowered to appoint members to the Council. The third head, Economic and Social Development - embracing land policy, agricultural development and immigration - was, in effect, a re-hash of Sir John Hope Simpson's conclusions and recommendations, without the little constructive good that his report had contained. The bald assertion that there was no margin of land available for additional Jewish settlement was repeated, as was the doleful view of the ill effects of Jewish colonisation upon the Arab peasant. A land development scheme was to be instituted, primarily for the benefit of the Arabs, but no hint was given that this development, which was to be a very long drawn out affair, might eventually make further Jewish settlement possible. During the period of development no transfers of land to Jews might take place unless they fitted in with the larger scheme. On the question of immigration, the White Paper adhered closely to Hope Simpson's view that Arab unemployment must be the conditioning factor - as long as any Arab anywhere in the country was unable to find work, the Mandatory would be in duty bound "to reduce, or, if necessary, to suspend" Jewish immigration.

The White Paper was permeated with a spirit of rancour and hostility

to the Jewish National Home. No recognition whatsoever was afforded to the progress that had been made throughout the country as a result of Jewish enterprise, nor were the very definite benefits which had accrued to the non-Jewish population mentioned. Particularly vicious attacks were made on the Jewish Agency, the Jewish National Fund and the General Federation of Jewish Labour (this was a Labour Government White Paper) for their temerity in promoting the National Home by insisting on the principle of Jewish self labour - as if the whole purpose of the Zionist movement was the immigration into Palestine of a few wealthy planters who would employ low-paid local labour on the model of the African colonies.

Reaction to the Passfield White Paper

As was to be expected, the Passfield White Paper was not allowed to go unchallenged. The first reaction came from the Zionist Organisation: Dr Weizmann, who throughout his public life had been identified with the policy of co-operation with the British Government, had no option but to resign his office as President of the Jewish Agency, pointing out, in a letter to Lord Passfield, that the White Paper had the effect of "denying the rights and sterilising the hopes of the Jewish people in regard to the National Home in Palestine". Mr Stanley (now Lord) Baldwin, Sir Austen Chamberlain, and Mr L. S. Amery, in a letter to the London "Times" on October 23rd, 1930, agreed with this view, adding that the Government

> "have laid down a policy so definitely negative in character that it appears to us to conflict not only with the insister of the Council of the League of Nations that it would be con trary to the intention of the Mandate if the Jewish National Home were to be crystallised at its present stage of develop ment, but with the whole spirit of the Balfour Declaration

and of the statements made by successive Governments in the last twelve years."

General (now Field Marshal) Smuts cabled the Prime Minister in similar strain:

"As one of those reposonsible for the Balfour Declaration I feel deeply perturbed over the present reported Palestine policy, which makes a retreat from the Declaration. The Declaration was a definite promise to the Jewish world that the policy of the National Home would be actively prosecuted, and was intended to rally the powerful Jewish influence for the Allied cause at the darkest hour of the War.

As such it was approved by the Government of the United States and the other allies, and accepted by the Jews in good faith. It cannot be now varied unilaterally by the British Government. It represents a debt of honour which must be discharged in full at all costs and in all circumstances. The original Declaration was far too solemn to permit of any wavering now.

I would strongly urge that a Government statement be issued that the terms of the Balfour Declaration will be fully carried out in good faith, and that the Government's policy will be recast accordingly."

Detailed criticism of the White Paper was made by two eminent British jurists, Lord Hailsham, formerly Lord Chancellor of England, and Sir John (now Lord) Simon, who, in the "Times" of November 4th, 1930, discussed the document from the standpoint of international law:

To the Editor of "The Times"

Sir, - The correspondence which has recently appeared in your columns with regard to the Government's statement of its policy in Palestine has led us to compare the recent White Paper with the terms of the Mandate. We are not at present concerned with the expediency of the Government's policy. But the Mandate constitutes for the people of this country a legal as well as a moral duty, and breach of its terms by any British Government would lay this country open to a grave charge of breach of faith and disregard of its international obligations.

The Mandate by its preamble defines its purpose to be the putting into effect of the Balfour Declaration "in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine."

This purpose is further elaborated in Article II, which makes the Mandatory responsible for securing the establishment of the Jewish National Home as laid down in the pre-

emble and for safeguarding the civil and religious rights of all the inhabitants of Palestine. Article VI runs as follows:-

> The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish Agency referred to in Article IV., close settlement (l'etablisement intensif) by Jews on the land, including State lands and waste lands not required for public purposes.

In apparent conflict with these provisions, the White Paper lays down:-

1. In paragraph 15 that even in cases where State lands are unoccupied it is not possible to make these areas available for Jewish settlement in view of the importance of making available additional land on which to place Arab cultivators who are now landless.

2. In paragraphs 19 to 23 that the existing practice of the Jewish Agency of employing Jewish labour on its undertakings and of stipulating in its leases that only Jewish labour shall be employed must be brought to an end, apparently on the ground that it contravenes the provisions of Article VI of the Mandate.

3. In paragraph 28 that no further immigration of Jews is to be permitted, so long as it might prevent any Arab from obtaining employment. Note that what is here referred to is not the eviction of Arabs from positions they now hold, or the depriving of any section of the population of its employment, but the possibility that the presence of a Jew immigrant might prevent some unemployed Arab from obtaining employment which, in the Jew's absence, he might be able to obtain. This clearly involves the prohibition -- or, as the White Paper calls it, the "suspension" -- of all that Jewish immigration and settlement which Article VI. of the Mandate expressly directs the Mandatory to facilitate and encourage.

In all these respects the White Paper appears to us to involve a departure from the obligations of the Mandate. This country cannot afford to allow any suspicion to rest on its good faith or on its determination to carry out to the full its international obligations. If, therefore, the terms of the White Paper are the deliberate and considered announcement of Government policy, we would suggest that immediate steps should be taken to induce the Council of the League of Nations to obtain from The Hague Court an advisory opinion on the questions involved, and that the British Government should not enforce those paragraphs which are challenged unless and until that Court has pronounced in their favour.

Yours faithfully,
HAILSHAM
JOHN SIMON

The MacDonald Letter

The time for an all-out attack on the Jewish National Home was, quite evidently, not yet ripe. Alarmed by the totally unexpected reaction to their Palestine policy, the Government initiated discussions with the Jewish Agency and, two months later, made "an authoritative interpretation" of the White Paper in a public letter, dated February 13th, 1931, from the Prime Minister to Dr Weizmann, who had been invited by the Executive to carry on until the next Zionist Congress. The main points made in this letter - known as the Macdonald Letter - which bore an "official character" and was to be "communicated as an official document to the League of Nations and embodied in a Despatch as an instruction to the High Commissioner" *, were the following

> "2. It has been said that the policy of His Majesty's Government involves a serious departure from the obligations of the Mandate as hitherto understood, that it misconceives the Mandatory obligations, and that it foreshadows a policy which is inconsistent with the obligations of the Mandatory to the Jewish people.
> 3. His Majesty's Government ... recognises that the undertaking of the Mandate is an undertaking to the Jewish people and not only to the Jewish population of Palestine ... In my speech on the 3rd April I used the following language:-
> 'His Majesty's Government will continue to administer Palestine in accordance with the terms of the Mandate as approved by the Council of the League of Nations. This is an international obligation from which there can be no question of receding.
> Under the terms of the Mandate His Majesty's Government are responsible for promoting "the establishment in Palestine of a National Home for the Jewish people, it being clearly understood that nothing shall be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country. A double undertaking is involved, to the Jewish people on the one hand, and to the non-Jewish population of Palestine on the other; and it is the firm resolve of His Majesty's Government to give effect, in full measure, to both parts of the Declaration, and to do equal justice to all sections of the population of Palestine. That is a duty from which they will not shrink, and to the discharge of which they will apply all the resources at their command;

* Mr James Ramsey MacDonald, House of Commons, February 13th, 1931

That declaration is in conformity with the articles, but not only also with the preamble of the Mandate, which is hereby explicitly reaffirmed.

.....

5. A good deal of criticism has been directed to the White Paper upon the assertion that it contains injurious allegations against the Jewish people and the Jewish Labour organisations. Any such intention on the part of His Majesty's Government is expressly disavowed. It is recognised that the Jewish Agency have all along given willing co-operation in carrying out the policy of the Mandate, and that the constructive work done by the Jewish people in Palestine had had beneficial effects on the development and well-being of the country as a whole. His Majesty's Government also recognise the value of the services of labour and trades union organisation in Palestine, to which they desire to give every encouragement.

6. A question has arisen as to the meaning to be attached to the words 'safeguarding the civil and religious rights of all inhabitants of Palestine, irrespective of race and religion', occuring in Article 2, and the words 'ensuring that the rights and position of other sections of the population are not prejudiced', occuring in Article 6 of the Mandate. The words 'safeguarding the civil and religious rights', occuring in Article 2, cannot be read as meaning that the civil and religious rights of individual citizens are to be unalterable .... These words indicate that, in respect of civil and religious rights the Mandatory is not to discriminate between persons on the ground of religion or race, and this protective provision applies equally to Jews, Arabs, and all sections of the population.

7. The words 'rights and position of other sections of the population' occuring in Article 6, plainly refer to the non-Jewish community. These rights and position are not to be prejudiced, that is, are not to be impaired or made worse. The effect of the policy of immigration and settlement on the economic position of the non-Jewish community cannot be excluded from consideration. But the words are not to be read as implying that existing economic conditions in Palestine should be crystallised. On the contrary, the obligations to facilitate Jewish immigration and to encourage close settlement by Jews on the land, remains a positive obligation of the Mandate, and it can be fulfilled without prejudice to the rights and position of other sections of the population of Palestine.

8..... It has been said that the policy of the White Paper would place an embargo upon immigration, and would suspend, if not, indeed, terminate, the close settlement of Jews on the land, which is the primary purpose of the Mandate .....

13.... the statement of policy of His Majesty's Government did not imply a prohibition of acquisition of additional land by Jews. It contains no such prohibition, nor is any such intended....

15..... the intention of His Majesty's Government appears to have been represented as being that "no further immigration of Jews is to be permitted as long as it might prevent any Arab from obtaining employment". His Majesty's Government never proposed to pursue such a policy.

16. His Majesty's Government did not prescribe and do not contemplate any stoppage of or prohibition of Jewish immigration in any of its categories. The practice of sanctioning a 'Labour Schedule' of wage earning immigrants will continue. In each case consideration will be given to anticipated labour requirements for works which, being dependent on Jewish

or mainly Jewish capital would not be or would not have been undertaken unless Jewish labour were made available. With regard to public and municipal works falling to be financed out of public funds, the claim of Jewish labour to a due share of the employment available, taking into account Jewish contributions to public revenue, shall be taken into consideration .... Immigrants with prospects of employment other than employment of a purely ephemeral character will not be excluded on the sole ground that the employment cannot be guaranteed to be of unlimited duration. 17. In determining the extent to which immigration at any time may be permitted, it is necessary also to have regard to thedeclared policy of the Jewish Agency to the effect that in "all works or undertakings carried out or furthered by the Agency it shall be deemed to be a matter of principle that Jewish labour shall be employed'. His Majesty's Government do not in any way challenge the right of the Agency to formulate or approve and endorse such a policy. The principle of preferential and indeed, exclusive employment of Jewish labour by Jewish organisations is a principle which the Jewish Agency are entitled to affirm.... 18. His Majesty's Government desire to say finally, as they have repeatedly and unequivocally affirmed, that the obligations imposed on the Mandatory, by its acceptance of the Mandate, are solemn international obligations, from which there is not now, nor has there been at any time, an intention to depart. To the tasks imposed by the Mandate His Majesty's Government have set their hand, and they will not withdraw it..... "

The White Paper and the Letter before the Permanent Mandates Commission.

In 1931 the British Government submitted its Annual Report on the administration of Palestine to the Twentieth Session of the Permanent Mandates Commissions of the League of Nations at which the Passfield White Paper and the Macdonald Letter were subjected to critical analysis. In indication of the Commission's interpretation of the Mandate is provided by the comments of its Vice-Chairmann, M. van Rees, in his point by point comparison of the two documents:

He (M. van Rees) did not desire in any way to bring into the discussion the contents of the White Paper or of the letter from the British Prime Minister. M. van Rees considered that, in his capacity of member of the Mandates Commission, he was not called upon to express a judgement on the policy explained by the British Government in these two documents, unless the documents in question, taken as a whole, proclaimed a line of conduct which was incompatible with the mandate-which was not the case ....

As he had observed, the letter from the British Prime Minister to Dr. Weizmann, which was presented as an interpretation of the White Paper, served, in reality, to define a certain num-

ber of statements appearing in the White Paper which had been more or less contested. M. Van Rees congratulated the British Government on having succeeded in explaining and completing these contested declarations in such a way as to bring them more closely into harmony with the real sense of the provisions of the Mandate.

Passing to his statement of the points in question, which were of particular interest to the Commission, M. Van Rees desired to say that he did not wish in any way to provoke a discussion on them, but only to show that the letter to Dr. Weizmann contained more than a mere interpretation of the White Paper....

I. Jewish People

M. Van Rees said that in paragraph 3 of the Prime Minister's letter he found that "His Majesty's Government...recognises that the undertaking of the Mandate is an undertaking to the Jewish people and not only to the Jewish population of Palestine." The White Paper, on the contrary, nowhere gave the impression that any special importance was attached to this essential distinction. Judging, for example, from the last sub-paragraph of paragraph 3, it rather appeared that the British Government had only assumed responsibility as regards the Jews established in Palestine, whereas the preamble to the mandate referred expressly to the Jewish people in general.

II. Interpretation of Articles 2 and 6 of the Mandate.

The Prime Minister's letter contained paragraphs 6 and 7 interpretations of the reservations appearing in Articles 2 and 6 of the Mandate.

In paragraph 6 it was laid down that the words "safeguarding the civil and religious rights" occurring in Article 2 (of the mandate) cannot be "read as meaning the civil and religious rights of individual citizens are to be unalterable". "The words, accordingly", it was said later, "must be read in another sense, and the key to the true purpose and meaning of the sentence is to be found in the concluding words of the article "irrespective of race and religion". These words indicate that, in respect of civil and religious rights, the Mandatory is not to discriminate between persons on the ground of religion or race, and this protective provision applies equally to Jews, Arabs, and all sections of the population

Again in paragraph 7 of the Prime Minister's letter it was laid down that the words "rights and position of other sections of the population" occurring in Article 6 (of the Mandate) "plainly refer to the non-Jewish community. These rights and position are not to be prejudiced, that is, are not be impaired or made worse"....
"But the words are not to be read as implying that existing economic conditions in Palestine should be crystallized. On the contrary, the obligation to facilitate Jewish immigration and to encourage close settlement of Jews on the land, remains a positive obligation of the Mandate, and it can be fulfilled without prejudice to the rights and position of other sections of the population of Palestine.".

These perfectly justifiable interpretations were little in

accord with the spirit of the White Paper, which, in more than one place, gave the impression that the reservations quoted above were rather obstacles in the way of the establishment of the National Home, and therefore obstacles as much to Jewish immigration as to the extension of the Jewish agricultural enterprises.

III. Lands to be reserved for the Arabs.

Referring to the State lands, the White Paper contained the following general conclusion: "The Government claims considerable areas which are in fact occupied and cultivated by Arabs. Even were the title of the Government to these areas admitted, and it is in many cases disputed, it would not be possible to make these areas available for Jewish settlement, in view of their actual occupation by Arab cultivators and of the importance of making available additional land on which to place the Arab cultivators who are now landless."
What could htat text mean except that all the available land should be reserved in the first instance for landless Arabs or Arabs without enough land?

But in paragraph 8, the Prime Minister's letter said something quite different. It explained that "it is desirable to make it clear that the landless Arabs ... were such Arabs as can be shown to have been displaced from the lands which they have occupied in consequence of the lands passing into Jewish hands, and who have not obtained other holdings on which they could establish themselves or other equally satisfactory occupation."

The letter continued: "The number of such displaced Arabs must be a matter for careful inquiry. It is to landless Arabs within this category that His Majesty's Government feel themselves under an obligation to facilitate their settlement upon the land. The recognition of this obligation in no way detracts from the larger purposes of adevelopment, which His Majesty's Government regards as the most effectual means of furthering the establishment of a National Home for the Jews."

IV. Enquiry regarding State Land.

In paragraph 15 the White Paper said: "It can not be definitely stated that at the present time and with the present methods of Arab cultivation there remains no margin of land available for agricultural settlement by new immigrants, with the exception of such undeveloped land as the various Jewish agencies hold in reserve."

In the Prime Minister's letter, however, this certainty is quite as definitely abandoned, for in paragraph 10, sub-paragraph 2, it said: "It is the intention of His Majesty's Government to institute an enquiry as soon as possible to ascertain, inter alia, what State and other lands are, or properly can be made, available for close settlement by Jews under reference to the obligation imposed upon the Mandatory by Article 6 of the Mandate."

V. Transfer of Land to the Jews.

According to the White Paper (paragraph 23) only by the methodical application of such a policy (of agricultural development) will additional Jewish agricultural settlement be possible consistently with the conditions laid down in Article 6 of the Mandate... For this reason -- the White Paper went on to say -- it is fortunate that the Jewish organisations are in possession of a large

reserve of land not yet settled or developed. Their operations can continue without break, while more general steps of development, in the benefits of which Jews and Arabs can both share, are being worked out. During this period, however, the control of all disposition of land must of necessity rest with the authority in charge of the development. Transfers of land will be permitted only in so far as they do not interfere with the plans of that authority.

It was not surprising that it had been inferred from these principles that, at least during the period of transition, which according to the White Paper was expected to last for an appreciable time, all transfers of land to the Jews would be prohibited.

The letter from the Prime Minister stated that this was not so. It was said in paragraph 13 that "the policy of His Majesty's Government did not imply a prohibition of acquisition of additional land by Jews. It contains no such prohibition, nor is any such intended. What it does contemplate is a temporary control of land disposition and transfers as may be necessary not to impair the harmony and effectiveness of the scheme of land settlement to be undertaken.

VI. Jewish immigration.

Paragraph 27 of the White Paper said: "It may be regarded as clearly established that the preparation of the Labour Schedule must depend upon the ascertainment of the total unemployed in Palestine" and later on (paragraph 28) it is added: "Clearly, if immigration of Jews results in preventing the Arab population from obtaining the work necessary for its maintenance, or if Jewish unemployment unfavourably affects the general labour position, it is the duty of the Mandatory Power under the Mandate to reduce, or, if necessary, to suspend such immigration until the unemployed portion of the 'other sections' is in a position to obtain work."

What could that mean except that His Majesty's Government reserved the right to prohibit all Jewish immigration as far as that immigration might prevent the Arab population from finding work?

In paragraph 15, the Prime Minister's letter said: "His Majesty's Government never proposed to pursue such a policy. They were concerned to state that, in regulation of Jewish immigration, the following principles should apply - namely, that 'it is essential to ensure that the immigrants should not be a burden upon the people of Palestine as a whole and that they should not deprive any section of the present population of their employment." (White Paper 1922)

Later, in paragraph 16, the Prime Minister's letter added: "His Majesty's Government did not prescribe and do not contemplate any stoppage or prohibition of Jewish immigration in any of its categories. The practice of sanctioning a "Labour Schedule" of wage-earning immigrants will contiue. In each case consideration will be given to anticipated labour requirements for works which, being dependent on Jewish or mainly Jewish capital, would not be, orwould not have been, undertaken unless Jewish labour was made available

and later (in paragraph 17): "His Majesty's Government do not in any way challenge the right of the Agency to formulate or approve and endorse such a policy" - that was to say, a policy whereby the obligation to employ Jewish workmen for the works or undertakings executed by the Jewish Agency was to be regarded as a questions of principle. The paragraph went on to say: "The principle of preferential and, indeed, exclusive employment of Jewish labour by Jewish organisations is a principle which the Jewish Agency are entitled to affirm".

In the White Paper, however, (paragraph 20), the right of the Jews to employ, if they preferred to do so, only Jewish labour in their undertakings was contested as being contrary to the terms of Article 6 of the Mandate, and, in particular, incompatible with the provision to the effect that "the rights and position of other sections of the population must not be prejudiced."

VII Public Works

The White Paper did not deal expressly with the question of labour for public works, although the letter from the Prime Minister contained the following declaration regarding this subject (paragraph 16): "With regard to public and municipal works falling to be financed out of public funds, the claim of Jewish labour to a due share of the employment available, taking into account Jewish contributions to public revenue, shall be taken into consideration".

The members of the Mandates Commission made similar searching criticism of the Annual Report of the Palestine Administration which, inter alia, gave details of the effects of the Palestine Citizenship Order, 1925, the amendements to the Immigration Ordinance made in 1930, and the new land development schemes. On the question of citizenship, the Commission had asked the Palestine authorities if any special provisions had been enacted "framed so as to facilitate the acquisition of Palestinian citizenship by Jews." [see] Finding the reply unsatisfactory, M. van Rees [see] said

> "The Law of 1925 treated a Jew who entered the country just like any other foreigner; it made no essential distinction between Jews and non-Jews, nationals of any country, as regards either the conditions required to obtain naturalisation or the cancellation of certificates of nationality ... In view of the above mentioned facts it would appear doubtful whether the law in question could be regarded as exactly fulfilling the purposes of Article 7 of the mandate, or the explicit declaration of His Majesty's Government in June 1922 (White Book, Cmd. 1700, p. 30) to the effect that the Jewish people was to be considered as being in Palestine " as of right and not on sufferance." The declaration either meant something definite or it meant nothing at all. If it meant something definite, it might at least be inferred that

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Jews admitted to Palestine should be regarded there, not as foreigners whose presence in a country not their own was tolerated, generally speaking, only until further orders, but as constituting in that country a definite element of the Palestine population.

On the allied subject of immigration, Professor Rappard, feeling, as he had done the year before, that "the Government's method of encouraging immigration had been to limit it",°) took particular exception to the doubling (from £P 500 to £P 1,000) of the sum required by an immigrant in the "capitalist" category as a qualification for entry. As he expressed it, "such an increase would be very drastic even in countries which wished to discourage immigration. It was all the less comprehensible in view of Article 6 of the mandate, which provided that the immigration of Jews should be facilitated."°°

It will be recalled that Sir John Hope Simpson had recommended the institution of a land development scheme which had been adopted in the White Paper. This had since been put into effect by the Palestine Administration. The principal feature of this scheme was the resettlement of Arabs who, it was alleged, had been dispossessed as a result of Jewish purchase of land. According to the Minutes of the Commission's session, "M. van Rees was surprised that the principal object (of the Development Scheme) was to re-establish the Arabs who had been expelled owing to the sale of land to Jews, and that everything else was considered as secondary. Nevertheless, as regards this

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° Minutes of the Twentieth Session of the Permanent Mandates Commission of the League of Nations, June 15th, 1931. pp. 78-80.
°° Minutes, 20th Session, p. 92
°°° Ibid, pp. 92 - 93
°) Minutes, 17th Session, p. 81
°°) Minutes, 20th Session, p. 87

primary object, which could not be realised without very detailed and exact information, M. van Rees wondered how this part of the plan could be put into operation without knowledge, not only of the number of Arabs to be re-established on the land, but also under what conditions they had left, voluntarily or otherwise, the lands they had occupied."[x] (The enquiry was at length made in 1933 - out of 3271 applications for resettlement, the Government conceded 664, of which only 347 applicants took advantage of the Government's offer of land). Count da Penha Garcia, on the other hand, "did not quite understand why the term 'dispossessed' was used in respect of the Arabs. He thought that the Jews had bought the land, and the Arabs had sold it. This was a normal transaction. The Arabs in question had sold their land in many cases, the farmers who had occupied them had even received indemnities, so that it was incorrect to say that they had been evicted or dispossessed. In these circumstances why should they be given land as reparation? Such a method of visualising the problems was not calculated to improve relations between the two races."[xx]

The Palestine Government had in this report, made its first reference to the allocation of waste lands for the purpose of close settlement by Jews, implying that everything possible was done to implement the relative provisions of Article 6 of the Mandate. Professor Kappard[xxx] showed how false was this claim:

> .... One of the allocations had been partly made before the war, one had been made during the war and had since been confirmed, a third was a swamp, a fourth had had to be abandoned for lack of water, while the fifth, which

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x) Minutes, 20th Session, p. 76
xx) Ibid. p. 76
xxx) Ibid. p. 91

he had himself had the pleasure of visiting, consisted of a small plot on the shore of Tel Aviv used as a site for a bathing establishment, restaurant, and esplanade. In point of fact, therefore, the application given to the relevant provision of Article 6 seemed exceedingly modest.

Reaction to the MacDonald Letter.

The MacDonald Letter was generally accepted as an earnest that the Government had recanted from the hostile attitude they had displayed in the White Paper, and would now pursue their policy in conformity with the Balfour Declaration and the Mandate. On behalf of the Zionist Organisation, Dr. Weizmann, in a public statement made on February 14th, 1931, said that the Prime Minister's Letter had "re-established the basis for that co-operation with the Mandatory Power on which our Policy is founded". Other sections of Jewish opinion were, however, less sanguine. They held the view that the White Paper had not been repudiated by the Letter, and that the difference between the two documents - essentially one of tone rather than policy - was not so marked as had been supposed. The Arabs regarded the Letter as a setback - after the triumph of the White Paper, they were now faced with what they described as a 'Black Letter'. They were, however, enabled to draw comfort in the midst of their sorrow by the very definite re-assurance of the support they enjoyed in high places. The right moment was near, but it had not yet come.

Return to the White Paper

Subsequent developments appeared to confirm the fears of those Jews who regarded the Macdonald Letter with suspicion, and to cut much of the ground away from the feet of Arab opposition. In the words of the Palestine Royal Commission,x)

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x) Palestine Royal Commission Report, Cmd. 5479, p. 75

"the main recommendations of the Shaw Commission and of Sir John Hope Simpson were promptly adopted and put into effect. A statement of policy was issued: the machinery for regulating immigration was improved: the fact that the Jewish Agency, through entitled under the Mandate to advise and co-operate with the Government of Palestine, was not in any sense a part of that Government, was reasserted: a Development Department was established and began to carry out the recommended programme. The only important question on which the Government's subsequent action did not accord with the Shaw and Hope Simpson Report was the question of Jewish land settlement: and on that point the Jewish representatives had forcibly maintained - and the event, in our opinion, has confirmed it - that a certain amount of further settlement was possible, particularly on land hitherto regarded as uncultivable, without injury to the Arab population."

In less official language, this means that Jewish immigration was further restricted by a tightening up of the immigration laws and an almost invariable reduction, sometimes by over 60%, of the Labour Schedules submitted by the Jewish Agency; that the Arabs were assured that, notwithstanding the special position assigned to it under the Mandate, the Jewish Agency had no real standing in the eyes of the Government; that the plans suggested by the new Development Commissioner were, without exception, designed for the benefit of the Arab section of the population and were thus, inevitable, restrictive on Jewish progress, and that the Jews one again proved that, by irrigating the desert and draining the swamps, the Jewish National Home could be established without harming a single Arab.

The Constitutional Issue

An attempt was also made to give effect to the constitutional provisions of the White Paper. Sir Arthur Grenfell Wauchope, who had been appointed High Commissioner for Palestine at the end of 1931, declared, at the Twenty-Second Session of the Permanent Mandates Commission, in 1932 that it was his intention to proceed with the establishment of a Legislative Council as the first step towards the developmentof self-governing institutions in Palestine. The announcement was received by the Commission

with mixed feelings: In the view of the Chairman, "the Arabs no longer hid the fact that they claimed the institution of a Legislative Council as a means of preventing the fulfilment of the other aims of the mandate and of destroying the mandate itself,"[x] while M. van Rees "was convinced that (its) creation ..... before conditions in the country made it feasible, would be an unfortunate mistake and opposed to the interests of Palestine."[xx] Actually Arab claims went very much further than the creation of a Legislative Council. Their demand was for the institution of a national Government in Palestine based on the current population ratios in the country "so as to rid themselves, among other things, of the Balfour Declaration, and of the mandate itself."[xxx] This demand had been made by an Arab delegation which came to London in March 1930 prior to the issue of the Shaw Report, and was rejected by the Government which "pointed out ... that the sweeping constitutional changes demanded .... were wholly unacceptible since they would have rendered it impossible for His Majesty's Government to carry out their obligationsunder the Mandate ... No proposals could be consideredwhich were incompatible with the requirements of the Mandate."[°]) Jewish opinion was no less emphatic. The Zionist Organisation was unalterably opposed to any form of constitutional development in Palestine which would endanger the National Home: The autonomous government demanded by the Arabs would kill it immediately; the Legislative Council proposed by the Government

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x) Minutes of the Twenty-Second Session of the Permanent Mandates Commission, November 3rd to December 6th, 1932. M. Orts, p. 199

xx) Ibid. M. Van Rees, p. 200

xxx) Ibid. M. Rappard, p. 199

°) Summary of Conversations between His Majesty's Government and the Palestine Arab Delegation, London 1930, Quoted in Palestine Royal Commission Report, p. 76.

would make its continued existence dependant on the dubious good-will of a hostile majority of Arabs and British officials.

Constitutional development became the main bone of contention in Palestine during the next five years. Hitherto Arab opposition to the National Home had concentrated on the supposedly adverse effects of Jewish immigration on the economic well-being of the indigenous population. The cry had been taken up by the Shaw and Hope Simpson Commissions, and found expression in the Passfield White Paper. That argument was now manifestly absurd. The vastly increased flow of immigration which resulted from Hitler's accession to power in Germany - 30,327 in 1933, 42,359 in 1934 and 61,854 in 1935 - "far from reducing 'economic absorptive capacity' ... had increased it. The more immigrants came in, the more work they created for local industries to meet their needs",*) while, at the same time, "the economic position of the Arabs continued to improve. Wages rose, markets for country produce expanded, more roads and bridges and schools were built."**) If the case for Arab extremism was to have any popular appeal in a largely contented countryside, the line would obviously have to be changed. A new whipping boy and a new argument were quickly produced - the Government, which had shown where its sympathies lay in the White Paper, was accused of being party to a Zionist plot to subjugate the Arabs by allowing and encouraging "a mass immigration of Jews ... so that when the Legislative Council was introduced Jews would be in a majority.***)

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*) Palestine Royal Commission Report, p. 85
**) Ibid. p. 80
***) Government of Palestine, Annual Report, 1933, p. 5. -

The 1936 Riots

The new formula was to produce results which exceeded the hopes of even the most wildly optimistic of Arab extremists. The first attempt was made in October 1933, but inadequate preparation robbed the uprising of success because of the lack of enthusiasm of the peasantry. Taking a lesson from this setaback, the Arab leaders proceeded to a carefully organised campaign of agitation and incitement which penetrated the whole country. The outcome was inevitable: On April 15th, 1936, two Jews were killed in an armed hold-up on the Tulkarm-Nablus road: On April 19th, armed mobs attacked Jews in Jaffa, killing three: On April 20th, an Arab National Committeemet at Nablus and proclaimed a general strike: On April 25th, the Mufti of Jerusalem formed an Arab Higher Committee, composed of a coalition of previously antagonistic faction leaders, which declared that the strike would go on so long as Jewish immigration and purchase of land were not prohibited and a 'national' government created. The Government at first tried to handle the outbreaks by conciliatory gestures. The Arab leaders were advised to accept the British Government's invitation to come to London to discuss the setting up of the Legislative Council, which, it was implied, would go far to satisfy their demands, and were later informed that a Royal Commission would be sent to Palestine to investigate their grievances as soon as order was restored. The efforts were unavailing. The strike soon spread from the towns to the countryside, and eventually developed into a small-scale guerilla war between roving Arab gangs and the hurriedly reeinforced Army. By summer the position had become serious. The Arab gangs increased in numbers by the infiltration of professional brigands from over the borders, and were assisted in money and arms by Axis agents to whom British difficulties in Palestine were a heaven-sent opportunity. Violence increased until, on September 8th, the British Government announced that it

was sending an additional division to restore order. The Arab leaders, seeing that the end was near, commenced seeking ways and means of getting out of the impasse, and after a month of negotiation accepted a joint appeal from King Ibn Saud, King Ghazi of Irac and the Emir Abdullah "to resolve for peace in order to save further shedding of blood", and to place their reliance " on the good intentions of our friend, Great Britain, who has declared that she will do justice ".[x] On October 11th, the strike ended.

The Disturbances of 1936 were the longest and most costly in life and property that had occurred in the twenty year old history of British rule in Palestine. Jewish casualties were 82 killed and 369 wounded; the Police and Army suffered 37 killed and 206 wounded; the official casualty list gave a total of 195 Arabs killed and 804 wounded, although this was regarded as an underestimate. Jewish direct material loss was estimated at a quarter of a million pounds, mainly due to the destruction of trees and crops, while the total loss to the Palestine Government, in loss of revenue and increased expenditure on security services, was in the region of three and a half millions. Indrect losses to both communities due to the interruption of normal business activity and the cessation of capital investment ran into millions.

The outstanding feature of the 1936 Disturbances was the intervention of the neighbouring Arab rulers who for the first time began to take an interest in Palestinian affairs as a means of diverting the interest of their subjects from the pressing social and economic problems at home. Not only did many of the guerilla fighters come from across the borders - including the "generalissimo" Fawzi ed Din el Kaukaji who was later permitted to escape, and subsequently spent the war years in Germany - but the course of the riots, the final peacemaking and subsequent

British policy in Palestine were largely determined by the opinions of the Kings and Presidents of the future Arab League.

The Arabs had, in any case, won the first round. On November 5th, 1936, the Royal Commission, which had been set up earlier in the year, sailed for Palestine to conduct its enquiry, and on the same day the Government announced a Labour immigration Schedule of 1850 persons for the ensuing six months - 40 % less than the previous six months, and over 80 % less than the figure put forward by the Jewish Agency. It was evident that, whatever the findings of the Commission, the Government had made up its mind - Jewish immigration was to be limited to a figure which would not permit the Jewish population of Palestine from rising above a definite proportion of the whole.

The Palestine Royal Commission Report.

The terms of reference of the Palestine Royal Commission, composed of Earl Peel (Chairman), Sir Horace Rumbold (Vice-Chairman), Sir Laurie Hammond, Sir William Carter, Sir Harold Morris and Mr. (later Sir) Reginald Coupland, were

> "to ascertain the underlying causes of the disturbances which broke out in Palestine in the middle of April; to enquire into the manner in which the Mandate for Palestine is being implemented in relation to Our obligations as Mandatory towards the Arabs and Jews respectively: and to ascertain whether, upon a proper construction of the terms of the Mandate, either the Arabs and the Jews respectively have any legitimate grievances upon account of the way in which the Mandate has been, or is being implemented; and if the Commission is satisfied that any such grievances are well founded, to make recommendations for their removal and for the prevention of their recurrence."

The Commission sat in Jerusalem from November 11th, 1936 un-

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x) Quoted in Palestine Royal Commission Report, p. 101

til the middle of January 1937, during which period they heard evidence from 113 witnesses in both public and private session. The Arabs initially boycotted the Commission owing to the sanction of the last immigration quota, but eventually decided to appear towards the end of the Commission's stay in Palestine. Their Report (Command Paper 5479, a volume of over 400 pages) which appeared in July 1937, was the most comprehensive and thorough of all the reports on Palestine, and has come to be regarded as the standard work on the subject. In contrast to the Shaw and Hope Simpson Reports, the Royal Commision's Report was distinguished for its sympathy and appreciation of the Zionist enterprise in Palestine. The economic benefits which had accrued to the country as a whole as a result of Jewish immigration, capital investment and the development of agriculture, industry, and social services were fully emphasised. In the same way Jewish national aspirations, and in particular, the pressing need to expand the National Home as speedily as possible in order to provide room, work and security for the thousands of Jewish refugees from Europe, were treated with considerable understanding. However, in its analysis of the underlying causes of the disturbances, the Commission came to the conclusion that the basis of the conflict in Palestine was political -

> "(i) the desire of the Arabs for national independence
> (ii) their hatred and fear of the establishment of the Jewish National Home", x)

and their recommendations were founded thereon.

Short term Recommendations: Partition.

The recommendations were divided into two parts: The first part, after dismissing the Arab grievances as not being "legitimate under

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x) Palestine Royal Commission Report, p. 110

the terms of the Mandate", x) nevertheless went far to meet them in what were described as "the best palliatives we can devise for the disease from which Palestine is suffering"; i.e.: the limitation of Jewish immigration in all categories for the ensuing five years to a "political high level" of 12,000 per year; xx) the prohibition of Jewish land purchase in the hill districts; xxx) and the restriction of close settlement to the plains. xxxx) The second part of the recommendations was designed to promote the possibility of a lasting settlement. The Royal Commission held that "the disease was so deep-rooted that ... the only hope of a cure lay in a surgical operation" xxxxx) - to wit, the partition of Palestine into an Arab and a Jewish State respectively, with two internationally administered enclaves comprising the Holy Places of Jerusalme and Bethlehem in the South, and Nazareth and the Sea of Galilee in the North. The reasons which prompted the Commission to put forward this revolutionary proposal were that "an irrepressible conflict has arisen between two national communities within the narrow bounds of one small country" 6) ; that "peace", order and good government can only be maintained in Palestine for any length of time by a rigorous system of repression"; 7) that the Arab claim for national independence was legitimate, but, quoting Lord Milner, that "Palestine can never be regarded as a country on the same footing as the other Arab countries. You

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x) ~~Palestine Royal Commission Report, p. 10~~
x) Palestine Royal Commission Reprot, p. 365
xx) Ibid, p. 367
xxx) Ibid, p. 366
xxxx) Ibid, p. 367
xxxxx) Ibid., p. 368
6) Ibid, p. 370
7) Ibid, p. 373

cannot ignore all history and tradition in the matter. You cannot ignore the fact that this is the cradle of two of the great religions of the world. It is a sacred land to the Arabs, but it is also a sacred land to the Jew and the Christian; and the future of Palestine cannot possibly be left to be determined by the temporary impressions and feelings of the Arab majority in the country at the present day"; [1] that the Jewish claim for an independent state in Palestine was, from the points of view of history, achievement and need, equally valid; that the two claims "had proved irreconcilable". [2] Therefore "the problem cannot be solved by giving either the Arabs or the Jews all they want" - there was, however, "no reason why, if it were practicable, each race should not rule part of "the country". [3]

The Plan for Partition called for the creation of an independent Jewish State comprising Galilee, the Jordan Valley to a point near Beisan, the Jezreel Valley and the coastal plain down to a point about midway between Jaffa and Gaza. The total area was about one-fifth of the area of Palestine west of the Jordan. The rest of the country, with the exception of enclaves surrounding Jerusalem, Bethlehem, Nazareth, and Akaba, and a corridor from Jerusalem to the coast, was to be joined to Transjordan to form the Arab State. The Mandate was to be abolished, and the two states to be allied to Great Britain by treaty. As the Arab State would not be self-supporting, it was suggested that an annual subsidy should be paid it by the Jewish State in addition to an initial grant from the British Treasury. Provision was also made for the transfer of populations, if necessary com-

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1) Palestine Royal Commission Report, p. 41
2) Ibid., p. 374
3) Ibid. p. 376

pulsory, in view of the large Arab minority which would be left on the Jewish side of the border. Until this plan could be put into effect, the Commission recommended that Jewish immigration and purchase of land be restricted to the area of the proposed Jewish State.

Cantonisation Rejected

Before detailing its plan for Partition, the Royal Commission devoted some attention to another proposal for the political settlement of the Palestine problem, namely, the division of the country into semi-autonomous Arab and Jewish cantons under the general supervision of the Mandatory Power.[x] In the opinion of the Commission, Cantonisation would not be workable in view of the administrative, financial and security difficulties involved; it "would not satisfy the demands of Arab nationalism; nor would it give the Jews the full freedom they desire to build up their National Home in their own way at their own pace; ... And in the background, still clouding and disturbing the situation from year to year, still intensifying the antagonism between the races, would remain the old uncertainty as to the future destiny of Palestine."[xx] They came to the conclusion that "Cantonisation, in sum, presents most, if not all, of the difficulties presented by Partition without Partition's one supreme advantage - the possibility it offers of eventual peace." Notwithstanding these reasons, which are as valid today as they were ten years ago, the present British Government revived the Cantonisation shceme in the Morrison and Bevin plans of 1946 and 1947. Peace, perhaps, is not the eventual object of British policy in Palestine.

1937 White Paper: Political High Level for Immigration.

Concurrently with the publication of the Royal Commission's Report, the British Government issued a Statement of Policy[xxx]

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x) Originally proposed by Mr Archer Cust in the Journal of the Rayal Central Asian Society, Vol. XXIII, p. 206

for refs see next page

in which they expressed general agreement with the Commission's arguments and conclusions, and announced their intention of taking the necessary and appropriate steps to give effect to the Partition plan. In the meantime, purchase of land by Jews would be prohibited if it might prejudice the plan, and Jewish immigration for the ensuing eight months would be fixed at a maximum of 8,000 persons in all categories, provided the economic absorptive capacity of the country was not exceeded thereby. This was the first application of the 'political high level' principle to Jewish immigration, as opposed to that of 'economic absorptive capacity', which had, till now, been the recognised British interpretation of the mandatory injunction to facilitate Jewish immigration.

The full text of the Statement of Policy, known as the 1937 White Paper, is given below:

1. His Majesty's Government in Great Britain, by the direction of His Majesty, have considered the unanimous Report of the Palestine Royal Commission. They find themselves in general agreement with the arguments and conclusions of the Commission.

2. As is fully recognised by the Commissioners in their historical survey, His Majesty's Government and their predecessors, since the obligations of the Mandate were accepted, have taken the view, which the tenor of the Mandate itself implies, that their obligations to the Arabs and the Jews respectively were not incompatible, on the assumption that in the process of time the two races would so adjust their national aspirations as to render possible the establishment of a single Commonwealth under a Unitary Government.

3. In spite of the many discouraging experiences during the past seventeen years, His Majesty's Government have based their policy on this expectation and have taken every opportunity of encouraging co-operation between the Arabs and the Jews. In the light of experience and of the arguments adduced by the Commision they are driven to the conclusion that there is an irreconcilable conflict between the aspirations of the Arabs and the Jews in Palestine, that these aspirations cannot be satisfied under the terms of the present Mandate and that a scheme of partition on the general lines recommended by the Commission represents the best and most hopeful solution of the deadlock. His Majesty's Government propose to advise His Majesty accordingly.

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xx Palestine Royal Commission Report, p. 379
xxx Cmd. 5513, July 7th, 1937

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4. His Majesty's Government therefore propose to take such steps as are necessary and appropriate, having regard to their existing Treaty Obligations under the Covenant of the League of Nations and other International Instruments, to obtain freedom to give effect to a scheme of partition to which they earnestly hope it may be possible to secure an effective measure of consent on the part of the communities concerned.

5. Pending the establishment of such a scheme, His Majesty's Government have no intention of surrendering their responsibility for peace, order and good Government throughout Palestine. They are in general agreement with the Commission's recommendations in the matter of public security. If serious disorders should again break out, of such a nature as to require military intervention, the High Commissioner will delegate the powers in respect of the whole country under the Palestine (Defence) orders-in-Council, to the General Officer Commanding the Military Forces.

6. In the immediate future, while the form of a scheme of partition is being worked out, His Majesty's Government propose that, as an interim measure, steps should be taken to prohibit any land transactions which might prejudice such a scheme. Further, since the period of the current Labour Schedule expires at the end of July, and some provision must be made for the ensuing period, they propose that a total Jewish immigration in all Categories of 8,000 persons shall be permitted for the eight months' ~~capacity of the es~~ period from August, 1937 to March, 1938, provided that the economic absorptive capacity of the country is not exceeded.

7. In supporting a solution of the Palestine problem by means of partitioning, His Majesty's Government are much impressed by the advantages which it offers both the Arabs and the Jews. The Arabs would obtain their national independence, and thus be enable to co-operate on an equal footing with the Arabs of the neighbouring countries in the cause of Arab unity and progress. They would be finally delivered from all fear of Jewish domination, and from the anxiety which they have expressed lest their Holy Places should ever come under Jewish control. The Arab State would receive financial assistance on a substantial scale both from His Majesty's Government and from the Jewish State. On the other hand, partitioning would secure the establishment of the Jewish National Home and relieve it from any possibility of its being subjected in future to Arab rule. It would convert the Jewish National Home into a Jewish State with full control over immigration. Its nationals would acquire a status similar to that enjoyed by nationals of other countries. The Jews would at last cease to live a " minority life", and the primary objective of Zionism would thus be attained. Under the proposed Treaties the rights of the minorities in both States would be strictly guaranteed. Above all, fears and suspicions would be replaced by a sense of confidence and security, and both peoples would obtain, in the words of the Commission, " the inestimable boon of peace".

The Partition Proposal before the Permanent Mandates Commission

At the request of the British Government, the Permanent Mandates Commission of the League of Nations submitted the Royal Commission Report and the accompanying White Paper to careful examination at its Thirty Second (Extraordinary) Session which opened on July 30th, 1936, and was devoted entirely to Palestine. A particular feature of the Report to League Council x) was the flat assertion - in general agreement with Zionist criticism - that

> "the present mandate became almost unworkable once it was publicly declared to be so by a British Royal Commission speaking with the two-fold authority conferred on it by its impartiality and its unanimity, and by the Government of the Mandatory Power itself".

On the question of Partition, the Commission refused to give a definite opinion. The conclusions of the Royal Commission Report came in for much criticism from various members and the general view was that the subject needed considerable further study before any final decision could be made. Nevertheless, the Commission held that "having failed to give satisfaction to the conflicting aspirations of Arabs and Jews in Palestine it was natural and legitimate that the Mandatory...should be empowered to contemplate in some form or other the establishment of a regime in which these aspirations would each be satisfied in a part of the territory", pointing out that

> "this satisfaction cannot of course be complete. For the Arabs, any partition must necessarily involve the abandonment of a fraction of what they consider tobe their hereditary patrimony. For the Jews, it could involve, together with a restriction of the scope of their national home, already limited, as they allege, by the exclusion of Transjordan in 1922, a fresh reduction in its capacity of absorbing population.

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x) Minutes of the Thirty Second (extraordinary) Session of the Permanent Mandates Commission, July/August 1937, p. 298 et seq.

Any solution to prove acceptable should, therefore, deprive the Arabs of as small a number as possible of the places to which they attach particular value, either because they are their present homes or for reasons of religion. And further, the areas allotted to the Jews should be sufficiently extensive, fertile and well situated from the point of view of communications by sea and land to be capable of intensive economic development and consequently of dense and rapid settlement.

It is clear that, with whatever wisdom and justice the frontiers may be fixed, this operation will come in conflict with the same contending aspirations as those to which the Mandatory Power attributes the failure of its mandatory regime. In carrying out such a delimitation, it would, of course, be remembered that the individual sufferings that might be involved by political submission to foreign masters would probably be the same for all, and they could be attenuated or aggravated by the degree of tolerance shown by the new masters, and by the economic regime established by them. But it should also be remembered that the collective suffering of Arabs and Jews are not comparable, since vast spaces in the Near East, formerly the abode of a numerous population and the home of a brilliant civilisation, are open to the former, whereas the world is increasingly being closed to settlement by the latter.

If the partition scheme should be applied, its success would depend more on its effects on the relations between Arabs and Jews than on the territorial solution adopted. In this connection, it may be remarked that the neighbourhood of a Jewish Palestine would be the more profitable and the less disquieting from the point of the economic and political development of the Arab nation the more prosperous it was and the more likely to appease its inhabitants by satisfying their ambitions. Moreover, the lot of the Jews scattered throughout the Arab world would be the more assured, the less the Arabs had reason to complain of the internal policy of the Jewish State towards its subjects of another race and the more satisfied they were as to the designs of its foreign policy.

Jewish Reaction to Partition

The Palestine Royal Commission Report, naturally, was the main topic of discussion at the Twentieth Zionist Congress which met at Zurich from August 3rd to 17th, 1937. After an animated debate lasting a week, the Congress adopted a series of resolutions which, while taking note of the positive aspects of the Report, rejected utterly the Commission's conclusions that the Mandate was unworkable and that the national aspirations of the Jewish and Arab

peoples were irreconcilable. The scheme of partition outlined in the Report was likewise declared unacceptable, although the Executive was empowered to conduct further negotiations with His Majesty's Government on the basis of a Jewish State. The following is the full text of the resolutions:

"1. The Twentieth Zionist Congress solemnly reaffirms historic connection of the Jewish people with Palestine and its inalienable right to its homeland.

2. The Congress takes note of the findings of the Palestine Royal Commission with regard to the following fundamental matters: firstly, that the primary purpose of the Mandate, as expressed in its preamble and in its articles, is to promote the establishment of the Jewish National Home; secondly, that the field in which the Jewish NationalHome was to be established was understood at the time of the Balfour Declaration, to be the whole of historic Palestine, including Transjordan; thirdly, that inherent in the Balfour Declaration was the possibility of the evolution of Palestine into a Jewish State; fourthly, that Jewish settlement in Palestine has conferred substantial benefits on the Arab population and has been to the economic advantage of the Arabs as a whole.

3. The Congress rejects the assertion of the Palestine Royal Commission that the Mandate has proved unworkable, and demands its fulfilment. The Congress directs the Executive to resist any infringement of the rights of the Jewish people internationally guaranteed by the Balfour Declaration and the Mandate.

The Congress rejects the conclusion of the Royal Commission that the national aspirations of the Jewish people and of the Arabs of Palestine are irreconcilable. The main obstacle to cooperation and mutual understanding between the two peoples has been the general uncertainty which, as stated in the Report of the Royal Commission, prevailed in regard to the ultimate intentions of the Mandatory Government, and the vacillating attitude of the Palestine Administration; these have engendered a lack of confidence in the determination and ability of the Government to implement the Mandate. The Congress reaffirms on this occasion the declarations of previous Congresses expressing the readiness of the Jewish people to reach a peaceful settlement with the Arabs of Palestine based on the free development of both races and the mutual recognition of their respective rights.

4. The Congress condemns the "palliative proposals" put forward by the Royal Commission as a policy for implementing the Mandate, such as: curtailment of immigration, fixing of a political high level in substitution for the principle of economic absorptive capacity, closing of certain parts of the country to Jewish settlement, limitations on the acquisition of land, etc. These proposals are a travesty of the Mandate and a violation of international pledges, and would prove destructive of the future of the National Home.

5. The Congress enters its strongest protest against the decision of His Majesty's Government to fix a political maximum for Jewish immigration of all categories for the next eight months, thus sweeping away the principle of economic absorptive capacity, in violation of Jewish rights and of the undertakings repeatedly given in this regard by His Majesty's Government and confirmed by the League of Nations.

6. The Congress declares that the scheme of partition put forward by the Royal Commission is unacceptable.

7. The Congress empowers the Executive to enter into negotiations with a view to ascertaining the precise terms of His Majesty's Government for the proposed establishment of a Jewish State."

Arab Reaction: Further Rioting.

Arab reception of the partition scheme was initially mixed. The Emir Abdullah of Transjordan, backed by the moderate Nashashibi faction, was inclined to favour its acceptance, while the Mufti and other extremists were intransigeantly opposed. After a campaign of intimidation in which the rulers of the neighbouring Arab states were not inactive, the supporters of the plan were forced to withdraw and agree to the Arab Higher Committee's demands that the

" Palestine Partition Commission Report, Cmd 5854, London 1938, p. 18 - 19

mandate be abrogated and an Arab State be set up in the whole of Palestine.[x] The opposition took a violent turn in September, 1937, when, beginning with the murder of the Assistant District Commissioner of the Galilee District in Nazareth on the 26th, the Arab leaders set into motion the last and most successful of the series of savage outbreaks of murder and pillage for which their policy had become distinguished. The so-called Arab "rebellion" lasted until the outbreak of the second World War. Its results were impressive - 450 Jews killed and 1944 wounded, 140 British killed and 476 wounded, 2287 Arab killed and 1477 wounded (the majority by the Arabs themselves); the repudiation of the partition plan; and the final surrender to terror in the 1939 White Paper which conceded all Arab demands.

The Palestine Partition Commission 1938.

The process of surrender commenced early. Three months after the outbreak of the riots the British Government, in a despatch to the High Commissioner,[xx] declared that they were in no sense committed to the Royal Commission's partition plan, and that a technical commission would be sent to Palestine to examine the whole question in greater detail. The tasks of the Commission would be to recommend boundaries for the proposed Jewish and Arab areas that would

" (a) afford a reasonable prospect of the eventual establishment, with adequate security, of self-supporting Arab and Jewish States,
(b) necessitate the inclusion of the fewest possible Arabs and Arab enterprises in the Jewish area and vice versa, and
(c) enable His Majesty's Government to carry out the Mandatory responsibilities, the assumption of which is recommended in the Report of the Royal Commission". xxx)

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x) Ibid., p. 17
xx) Command Paper 5634, December 23rd, 1937
xxx) Palestine Partition Commission Report, p. 249

No mention was made of the Royal Commission's principle that "a reasonable allowance be made within the boundaries of the Jewish State for the growth of population and colonisation." x)

The Palestine Partition Commission, of which Sir John Woodhead was Chairman, arrived in Palestine at the end of April, 1938 and produced their Report (Command Paper 5854) on November 9th. They found themselves "unable to recommend boundaries for the proposed areas which will afford a reasonable prospect of the eventual establishment of selfsupporting Arab and Jewish states", basing their objections on the arguments of the Arabs rather than those of the Jews. xx) Three alternative plans were examined by the Commission: Plan A, which was roughly that proposed by the Royal Commission, was rejected unanimously on the gounds that the Arabs would form 49 % of the population of the Jewish State and own 75 % of its land. Transfer of populations, as suggested by the Royal Commission, was thus impracticable. In addition, Galilee, which was then a predominantly Arab area, should not be included in the Jewish area. Plan B, which was a modified version of Plan A with western Galilee and a small area at the southern extremity of the proposed Jewish state excluded, was supported by only one member. Plan C, which reduced the Jewish State to the environs of Tel Aviv and a portion of the coastal plain to a point a few miles south of Haifa - 491 square miles out of 10,000, or less than 5 % of the land area of Palestine west of the Jordan - was supported, with reservations, by the Chairman and another member. This plan left most of the country - i.e. the Jerusalem enclave, the whole of Galilee, including the towns of Tiberias and Haifa, the Jezreel Valley, and the whole of the Negev - under British Mandate, wherein transfer of land to Jews would be either restricted or prohibited. A positive feature o the Commission's Report were their admissions that " there is no doubt that Palestine could support a larger agricultural population if better methods

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of cultivation were adopted (and) if the area under irrigation could be extended",[°x)] and that

> ... The whole of the economic and financial system of Palestine is so closely interwoven with the expectation of continued Jewish immigration, that any drastic interference with the flow must be expected to have far-reaching budgetary and other consequences, the gravity of which is likely, generally speaking, to be in proportion to the degree and duration of the interference ...

1938 White Paper - Partition rejected.

Together with the Partition Commission's Report, the British Government published a new White Paper[°xx)] in which the scheme of partition which had been adopted a year ago was now rejected as impracticable. Coming back once again to the view that "the surest foundation of peace and prosperity in Palestine would be an understanding between the Jews and the Arabs" - which had been consistently advocated by the Zionist organisation - the Government announced its intention of inviting representatives of the Arabs of Palestine and the neighbouring States on the one hand and the Jewish Agency on the other to confer with them regarding future policy, including the question of immigration. The text of the 1938 White Paper is as follows:

PALESTINE

STATEMENT BY HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM.

1. The Royal Commission, presided over by the late Earl Peel, published its report in July, 1937, and proposed a solu-

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x) Royal Commission Report, p. 383
xx) Nevill Barbour, "Nisi Dominus", London, 1946, p. 198
~~xxx) Cmd 5854, p. 30~~
x°) Cmd 5894, p. 30
°xx) Palestine. Statement by His Majesty's Government in the United Kingdom.

tion of the Palestine problem by means of a scheme of partition under which independent Arab and Jewish States would be established while other areas would be retained under mandatory administration. In their statement of policy following upon the publication of the report His Majesty's Government in the United Kingdom announced their general agreement with the arguments and conclusions of the Royal Commission, ~~and expressed the view that a scheme of partition on the general lines recommended by the Commission~~, and expressed the view that a scheme of partition on the general lines recommended by the Commission represented the best and most hopeful solution of the deadlock.

2. The proposal of the Commission was framed in the light of the information available at the time, and it was generally recognised that further detailed examination would be necessary before it could be decided whether such a solution would prove practicable. This proposal was subsequently discussed in Parliament and at meetings of the Permanent Mandates Commission and the Council and Assembly of the League of Nations, when His Majesty's Government ~~in the United Kingdom~~ received authority to explore the practical application of the principle of partition. A despatch of December 23, 1937, from the Secretary of State for the Colonies to the High Commissioner for Palestine, announced the intention of His Majesty's Government ~~in the United Kingdom~~ to undertake the further investigations required for the drawing up of a more precise and detailed scheme. It was pointed out that the final decision could not be taken in merely general terms and that further enquiry would provide the necessary material on which to judge, when the best possible partition scheme had been formulated its equity and practicability. The despatch also defined the function and terms of reference of the technical commission who were appointed to visit Palestine for the purpose of submitting in due course to His Majesty's Government ~~in the United Kingdom~~ proposals for such a detailed scheme.

3. His Majesty's Government ~~in the United Kingdom~~ have now received the report of the Palestine Partition Commission who have carried out their investigations with great thoroughness and efficiency, and have collected material which will be very valuable in further consideration of policy. Their report is now published, together with a summary of their conclusions. It will be noted that the four members of the Commission advise unanimously against the adoption of the scheme of partition outlined by the Royal Commission. In addition to the Royal Commission's scheme, two other schemes described as plans B and C are examined in the report. One member prefers Plan B. Two other members, including the Chairman, consider that plan C is the best scheme of partition which, under the terms of reference, can be devised. A fourth member, while agreeing that plan C is the best that can be devised under the terms of reference, regards both plans as impracticable. The report points out that under either plan, while the budget of the Jewish State is likely to show a substantial surplus, the budgets of the Arab State (including Transjordan) and of the Mandated territories are likely to show substantial deficits. The Commission reject as impracticable the Royal Commission's recommendation for a direct subvention from the Jewish State to the Arab State. They think that on economic grounds a customs union between States and Mandated Territories is essential and they examine

the possibility of finding the s lution for the financial and economic problems of partition by means of a scheme based upon such a union. They consider that any such scheme would be inconsistent with the grant of fiscal independence to theArab and Jewish States. Their conclusion is that, on a strict interpretation of their terms of reference, they have no alternative but to report that they are unable to recommend boundaries for the proposed areas which will afford a reasonable prospect of the eventual establishment of self-supporting Arab and Jewish States.

4. His Majesty's Government, after careful study of the Partition Commission's report, have reached the conclusion that this further examination has shown that the political, administrative, and financial difficulties involved in the proposal to create independent Arab and Jewish States inside Palestine are so great that this solution of the problem is impracticable.

5. His Majesty's Government will therefore continue their responsibility for the government of the whole of Palestine. They are now faced with the problem of finding alternative means of meeting the needs of the difficult situation described by the Royal Commission which will be consistent with their obligations to Arabs and Jews. His Majesty's Government believe that it is possible to find these alternative means. They have already given much thought to the problem in the light of the reports of the Royal Commission and of the Partition Commission. It is clear that the surest foundation for peace and progress in Palestine would be an understanding between Arabs and Jews, and His Majesty's Government are prepared in the first instance to make a determined effort to promote such an understanding. With this end in view, they propose immediately to invite representatives of the Palestinian Arabs and of neighbouring States on the one hand and of the Jewish Agency on the other, to confer with them as soon as possible in London regarding the future policy, including the question of immigration into Palestine. As regards the representation of the Palestinian Arabs, His Majesty's Government must reserve the right to refuse to receive those leaders whom they regard as responsible for the campaign of assassination and violence.

6. His Majesty's Government hope that these discussions in London may help to promote agreement as to future policy regarding Palestine. They attach great importance, however, to a decision being reached at an early date. Therefore, if the London discussions should not produce agreement within a reasonable period of time, they will take their own decision in the light of their examination of the problem and of the discussions in London, and announce the policy which they propose to pursue.

7. In considering and settling their policy, His Majesty's Government will keep constantly in mind the international character of the Mandate with which they have been entrusted and their obligations in that respect.

Arab violence had accomplished two things: It had secured the rejection of a plan which, although imperfect, had in it the seeds

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of a lasting settlement, and it had intimidated the Government of a mighty Empire into surrendering its rights as Mandatory Power in Palestine to the neighbouring Arab states who, neither in fact nor in law, had any standing in the matter. In spite of the sop of paragraph 7 of the White Paper - that "in considering and settling their policy, His Majesty's Government will keep constantly in mind the international character of the Mandate with which they have been entrusted and their obligations in that respect" - they way was now open for the final breaking of the pledge.

Jewish Agency Statement on the 1938 White Paper.

The Jewish Agency, in a statement published on November 9th, contested the Woodhead Commission's interpretation of their terms of reference, taking particular exception to their disregard of the "main consideration relevant to the whole issue, i.e. the international obligation of the Mandatory Power to the Jewish people as a whole to facilitate the establishment of their National Home in Palestine". Apprehension was also expressed at the British Government's intention of inviting the neighbouring Arab states to a conference on a matter in which they had no special status. The following is the text of the Statement: x)

1. We note that His Majesty's Government ~~in the United Kingdom,~~ in the Statement of Policy published today, reverse the policy announced by them last year on the publication of the Royal Commission's Report, of establishing in Palestine two independent States, one Jewish and one Arab.
This reversal of policy is based on the report of the Palestine Partition Commission, which was appointed to draw up a more precise and detailed scheme of partition on the lines of the Royal Commission's proposals. The

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x) Political Report of the Executive of the Jewish Agency, Twenty-first Zionist Congress, Geneva, 1939, Appendix VIII.

new Commission's rejection of the Royal Commission's scheme is the result, not of new facts discovered by them, but of their interpretation of the terms of reference given to them by His Majesty's Government ~~in the United Kingdom~~, as being, a priori, at variance with the Royal Commission's recommendations.

2. A cursory reading of the Partition Commission's report makes it impossible for the present to make any attempt at a complete or detailed analysis. The following observations only are offered:

(a) The majority of the Partition Commission seem to have disregarded the main consideration relevant to the whole issue, i.e. the international obligation of the Mandatory Power to the Jewish people as a whole to facilitate the re-establishment of their National Home in Palestine.

(b) The Commission, instead of working out a more precise and detailed scheme on the basis accepted last year by H. M. Government, propose to dismember the existing Jewish settlement by excluding from what the majority of the Commission calls "the Jewish State", the greater part of Jewish landholdings, and the most important areas of Jewish colonisation. This "State" comprises an area of less than one-twentieth of the whole of Western Palestine, 300,000 acres in all, and is less than one-hundreth of the area indicated by the Royal Commission as having been intended, in 1917, for the National Home. This is a travesty of the obligations undertaken on behalf of the League by the Mandatory Power. That that proposal does not comply with the obligations to the Jews was pointed out by one of the Commissioners, Sir Alison Russell.

(c) Having broken up the existing National Home, the Partition Commission proceeds to abolish, so far as nineteen-twentieths of Western Palestine is concerned, the Balfour Declaration and the Jewish National Home provisions of the mandate.

There can be no question of this Report serving as a basis for any negotiations either between Jews and Arabs or between the Jewish Agency and H. M. Government.

3. We note that it is the unanimous view of the Partition ~~Government~~ Commission that it is only Jewish immigration which has made possible the high level of public services enjoyed by the Arab population in Palestine, and that without Jewish immigration, the country could not maintain itself.
His Majesty's Government now declares its intention of pursuing a policy which will be consistent with their obligations to Jews as well as to Arabs, and to make a determined effort to promote understanding between the two peoples. Last year, after the publication of the Royal Commission's Report, the Jewish Agency requested His Majesty's Government to convene a Jewish-Arab conference for the same purpose, but this request was at the time refused. It has been the consistent policy of the Zionist Movement and of the Jewish Agency, to seek an understanding with the Arabs.

But we cannot conceal our grave apprehensions with regard to the procedure proposed to be adopted by His Majesty's Government ~~in the United Kingdom~~ of bringing in the neighbouring Arab States. Those States have no special status in regard to Palestine. In so far as they are members of the League of Nations, their rights, are no greater than those of other States Members of the League or of the United States of America. Discussions with these States alone are hardly to be reconciled with the welcome assurance that His Majesty's Government ~~in the United Kingdom~~ "will keep constantly in mind the international character of the Mandate with which they are entrusted and their obligations in this respect."

The Jewish Agency can be a party to further discussions only on the basis of the Balfour Declaration and the Mandate.

The "Round Table" Conference 1939.

Nevertheless, in the hopes that the discussions would produce a lasting settlement, the Jewish Agency accepted the invitation to attend the Conference, which was held at St James Palace in London from February 8th to March 17th, 1939. The leaders of the British delegation were two top ranking Cabinet members, Mr Malcolm Macdonald (Colonial Secretary) and Viscount Halifax (Foreign Secretary). The Jews were represented by members of the Agency Executive and a number of leading personalities drawn from both Zionist and non-Zionist circles; while the Arab representatives included members of the Mufti's party who had been deported to the Seychelles Islands for their part in the Riots - notwithstanding the Government's reservation of the "right to refuse to receive those leaders whom they regarded as responsible for the campaign of assassination and violence" - and an impressive array of delegates from Egypt, Saudi Arabia, Iraq, Transjordan, and the Yemen. From the outset the Arabs refused to meet the Jewish delegates, so that, except for a couple of informal joint meetings, the Conference, called somewhat ironically the Round Table Conference, was held in two parts. It soon "became evident that the Government was aiming at a solution based on major concessions to the Arabs, irrespective of its obligation under the

Mandate or Great Britain's explicit undertakings to the Jews. Formally it was sought to bring this radical departure in policy within the four corners of the Mandate, but it was clear that the overriding consideration in the minds of those primarily responsible, was what, in the course of the discussions, was termed 'administrative necessity', - that is to say the need to ensure that the support of the surrounding Arab countries should be immediately forthcoming in the event of war. If the desired cooperation could not otherwise be achieved, Jewish interests must be ruthlessly sacrificed".[x] In the light of what actually did happen during the war, this sacrifice of Jewish interests does not appear to have been a particularly outstanding piece of political sagacity. However, on March 15th, the Government submitted a series of proposals to both sides in the hope of securing agreement. The Jews rejected them as a plain violation of the Balfour Declaration and the Mandate. The Arabs rejected them, less unequivocally, as inadequate. These proposals were substantially the same as those made in the White Paper which was to be issued two months later.

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x) Ibid, p. 15

CHAPTER VIII

The White Paper and the War.

The 1939 White Paper. x)

In the 1939 White Paper, sometimes known as the Macdonald White Paper after the Colonial Secretary, Mr Malcolm Macdonald, who was closely associated with its formulation, His Majesty's Government completely repudiated the policy made in the Balfour Declaration which had secured them the Mandate for Palestine in 1920. Instead of placing the country under such political, administrative, and economic conditions as would secure the establishment of the Jewish National Home, His Majesty's Government now proposed to found an Arab State wherein the Jews would be a permanent minority: Instead of facilitating Jewish immigration, they now proposed to permit a maximum of 75,000 Jews to enter the country during the ensuing five years and to subject further immigration to Arab consent; instead of encouraging close settlement by Jews on the land, they now proposed to confine Jewish settlement to a narrow ghetto comprising not more than one-twentieth of the area of western Palestine. All this " in strict accordance with their obligations under the Mandate". The last link in the chain forged by the Army in 1917 was now in place. The twenty-two year old battle against the Jewish National Home was, seemingly, over.

The White Paper is a long document, replete with involved argumentation, half-truths and, at times, downright falsification of fact. A thorough acquaintance with its contents is, however, essential for a full understanding of the present problem in Palestine and it is, therefore, reproduced in full. The operative provisions are printed in italics.

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x) Palestine. Statement of Policy by His Majesty's Government in the United Kingdom, Cmd. 6019, London, May 17th, 1939.

PALESTINE. STATEMENT OF POLICY, ~~BY PRESS~~.

Cmd. 6019

In the Statement on Palestine, issued on 9th November, 1938, x) His Majesty's Government announced their intention to invite representatives of the Arabs of Palestine, of certain neighbouring countries and of the Jewish Agency to confer with them in London regarding future policy. It was their sincere hope that, as a result of full, free and frank discussion, some understanding might be reached. Conferences recently took place with Arab and Jewish delegations, lasting for a period of several weeks, and served the purpose of a complete exchange of views between British Ministers and the Arab and Jewish representatives. In the light of the discussions as well as of the situation in Palestine and of the Reports of the Royal Commission (xx) and the Partition Commission (xxx), certain proposals were formulated by His Majesty's Government and were laid down before the Arab and Jewish delegations on the basis of an agreed settlement. Neither the Arab nor the Jewish delegations felt able to accept these proposals, and the conference therefore did not result in an agreement. Accordingly His Majesty's Government are free to formulate their own policy, and after careful consideration they have decided to adhere generally to the proposals which were firmly submitted to, and discussed with, the Arab and Jewish delegations.

2. The Mandate for Palestine, the terms of which were confirmed by the Council of the League of Nations in 1922, has governed the policy of successive British Governments for nearly 20 years. It embodies the Balfour Declaration and imposes on the Mandatory four main obligations. These obligations are set out in Articles 2, 6 and 13 of the Mandate. There is no dispute regarding the interpretation of one of these obligations, that touching the protection of and access to the Holy Places and religious buildings or sites. The other three main obligations are generally as follows: -

(i) To place the country under such political, administrative and economic conditions as will secure the establishment in Palestine of a national home for the Jewish people, to facilitate Jewish immigration under suitable conditions, and to encourage, in cooperation with the Jewish Agency, close settlement by Jews on the land.

(ii) To safeguard the civil and religious rights of all the inhabitants of Palestine irrespective of race and religion, and, whilst facilitating Jewish immigration and settlement, to ensure that the

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x) Cmd 5893, see p.
xx) Cmd 5479, See p.
xxx) Cmd 5854, see p.

rights and positions of other sections of the population are not prejudiced.

(iii) To place the country under such political, administrative and economic conditions as will secure the development of self-governing institutions.

3. The Royal Commission and previous Commissions of Enquiry have drawn attention to the ambiguity of certain expressions in the Mandate, such as the expression "a national home for the Jewish people", and they have found in this ambiguity and the resulting uncertainty as to the objectives of policy a fundamental cause of unrest and hostility between Arabs and Jews. His Majesty's Government are convinced that in the interests of the peace and well-being of the whole people of Palestine a clear definition of policy and objectives is essential. The proposal of partition recommended by the Royal Commission would have afforded such clarity, but the establishment of self supporting Arab and Jewish States within Palestine has been found to be impracticable. It has therefore been necessary for His Majesty's Government to devise an alternative policy which will, consistently with their obligations to Arabs and Jews, meet the needs of the situation in Palestine. Their views and proposals are set forth below under three heads, (I) The Constitution, (II) Immigration, and (III) Land.

I. THE CONSTITUTION

4. It has been urged that the expression "a national home for the Jewish people" offered a prospect that Palestine might in due course become a Jewish State or Commonwealth. His Majesty's Government donot wish to contest the view, which was expressed by the Royal Commission, that the Zionist leaders at the time of the issue of the Balfour Declaration recognised that an ultimate Jewish State was not precluded by the terms of the Declaration. But, with the Royal Commission, His Majesty's Government believe that the framers of the Mandate in which the Balfour Declaration was embodied could not have intended that Palestine should be converted into a Jewish State against the will of the Arab population of the country. That Palestine was not to be converted ~~fr-~~ into a Jewish State might be held to be implied ~~in~~ the passage from the Command Paper of 1922 (x) which reads as follows:-

> "Unauthorised statements have been made to the effect that the purpose in view is to create a wholly Jewish Palestine. Phrases have been used such as that 'Palestine is to become as Jewish as England is English' His Majesty's Government regard any such expectation as impracticable and have no such

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x) Cmd 1700 (Churchill White Paper). See p.

aim in view, nor have they at any time contemplated.. the disappearance or subordination of the Arabic population, language or culture in Palestine. They would draw attention to the fact that the terms of the (Balfour) Declaration referred to do not contemplate that Palestine as a whole should be converted into a Jewish National Home, but that such a home should be founded in Palestine.

But this statement has not removed doubts, and "His Majesty's Government therefore now declare unequivocally that it is not part of their policy that Palestine should become a Jewish State". They would indeed regard it as contrary to their obligations to the Arabs under the Mandate, as well as to the assurances which have been given to the Arab peoples in the East, that the Arab population of Palestine should be made the subjects of a Jewish State against their will.

5. The nature of the Jewish National Home in Palestine was further described in the Command Paper of 1922 as follows: -

"During the last two or three generations the Jews have regrouped in Palestine a community, now numbering 80,000, of whom about one-fourth are farmers or workers upon the land. This community has its own political organs; an elected assembly for the direction of its domestic concerns; elected councils in the towns; and an organisation for the control of its schools. It has its elected Chief Rabbinate and Rabbinical Council for the direction of its religious affairs. Its business is conducted in Hebrew as a vernacular language, and a Hebrew press serves its needs. It has its distinctive intellectual life and displays considerable economic activity. This community, then, with its town and country population, its political, social, and religious organisations, its own language, its own customs, its own life, has, in fact, 'national' characteristics. When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world, in order that it may become a centre in which the Jewish people as a whole may take, on the grounds of religion and race, an interest and a pride. But in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that that it should know that it is in Palestine as of right and not on sufferance. That is the reason why it is necessary that the existence of a Jewish National Home should be internationally guaranteed, and that it should be formally recognised to rest upon ancient historic connection".

6. His Majesty's Government adhere to this interpretation of the Declaration of 1917 and regard it as an authoritative and comprehensive description of the character of the Jewish National Home in Palestine. It em-

envisaged the further development of the existing Jewish community with the assistance of Jews in other parts of the world. Evidence that His Majesty's Government have been carrying out their obligations in this respect is to be found in the facts that, since the statement of 1922 was published, more than 300,000 Jews have immigrated to Palestine, and that the population of the National Home has risen to some 450,000, or approaching a third of the entire population of the country. Nor has the Jewish community failed to take full advantage of the opportunities given to it. The growth of the Jewish National Home and its achievements in many fields are a remarkable constructive effort which must command the admiration of the world and must be, in particular, a source of pride to the Jewish people.

7. In the recent discussions the Arab delegations have repeated the contention that Palestine was included within the area in which Sir Henry McMahon, on behalf of the British Government, in October, 1915, undertook to recognise and support Arab independence. The validity of this claim, based on the terms of the correspondence which passed between Sir Henry McMahon and the Sherif of Mecca, was thoroughly and carefully investigated by British and Arab representatives during the recent conferences in London. Their Report, which has been published (x), states that both the Arab and British representatives endeavoured to understand the point of view of the other party but that they were unable to reach agreement upon an interpretation of the correspondence. There is no need to summarise here the arguments presented by each side. His Majesty's Government regret the misunderstandings which have arisen as regards some of the phrases used. For their part they can only adhere, for the reasons given by their representatives in the Report, to the view that the whole of Palestine west of the Jordan was excluded from Sir Henry McMahon's pledge, and they therefore cannot agree that the McMahon correspondence forms a just basis for the claim that Palestine should be converted into an Arab State.

8. His Majesty's Government are charged as the Mandatory authority "to secure the development of self-governing institutions" in Palestine. Apart from this specific obligation, they would regard it as contrary to the whole spirit of the mandate system that the population of Palestine should remain for ever under mandatory tutelage. It is proper that the people of the country should as early as possible enjoy the rights of self-government which are exercised by the people of neighbouring countries. His Majesty's Government are unable at present to foresee the exact constitutional forms which government in Palestine will eventually take, but their object is self-government, and they desire to see established ultimately an independ-

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x) Cmd. 5974, see p.

pendent Palestine State. It should be a State in which the two people in Palestine, Arabs and Jews, share authority in government in such a way that the essential interests of each are secured.

9. The establishment of an independent State and the complete relinquishment of Mandatory control in Palestine would require such relations between the Arabs and the Jews as would make good government possible. Moreover, the growth of self-governing institutions in Palestine, as in other countries, must be an evolutionary process. A transitional period will be required before independence is achieved, throughout which ultimate responsibility for the Government of the country will be retained by His Majesty's Government as the Mandatory authority, while the people of the country are taking an increasing share in the Government, and understanding and co-operation amongst them are growing. It will be the constant endeavour of His Majesty's Government to promote good relations between Arabs and Jews.

10. In the light of these considerations His Majesty's Government make the following declaration of their intentions regarding the future government of Palestine: -

(1) "The objective of His Majesty's Government is the establishment within ten years of an independent Palestine State in such treaty relations with the United Kingdom as will provide satisfactorily for the commercial and strategic requirements of both countries in the future. This proposal for the establishment of the independent State would involve consultation with the Council of the League of Nations with a view to the termination of the Mandate.

(2) The independent State should be one in which Arabs and Jews share in government in such a way as to ensure that the essential interests of each community are safeguarded.

(3) The establishment of the independent State will be preceded by a transitional period throughout which His Majesty's Government will retain responsibility for the government of the country. During the transitional period the people of Palestine will be given an increasing part in the government of their country. Both sections of the population will have an opportunity to participate in the machinery of government, and the process will be carried on whether or not they both avail themselves of it.

(4) As soon as peace and order have been sufficiently restored in Palestine steps will be taken to carry out this policy of giving the people of Palestine an increasing part in the government of their country, the objective being to place Palestinians in charge of all the Departments of Government, with the assistance of British advisers and subject to the control of the High Commissioner. With this object in view His Majesty's Government will be prepared immediately to arrange that Palestinians will be placed in charge of certain Departments, with British advisers. The Palesti-

nian heads of Departments will sit on the Executive Council, which advises the High Commissioner. Arab and Jewish representatives will be invited to serve as heads of Departments approximately in proportion to their respective populations. The number of Palestinians in charge of Departments will be increased as circumstances permit until all heads of Departments are Palestinians, exercising the administrative and advisory functions which are at present performed by British officials. When that stage is reached consideration will be given to the question of converting the Executive Council into a Council of Ministers with a consequential change in the status and functions of the Palestinian heads of Departments.

(5) His Majesty's Government make no proposals at this stage regarding the establishment of an elected legislature. Nevertheless they would regard this as an appropriate constitutional development, and, should public opinion in Palestine hereafter show itself in favour of such a development, they will be prepared, provided that local conditions permit, to establish the necessary machinery.

(6) At the end of five years from the restoration of peace and order, an appropriate body representative of the people of Palestine and of His Majesty's Government will be set up to review the working of the constitutional arrangements during the transitional period and to consider and make recommendations regarding the constitution of the independent Palestine State.

(7) His Majesty's Government will require to be satisfied that in the treaty contemplated by sub-paragraph 1() or in the constitution contemplated by sub-paragraph (6) adequate provision has been made for: -

(a) the security of, and freedom of access to, the Holy Places, and the protection of the interests and property of the various religious bodies.

(b) the protection of the different communities in Palestine in accordance with the obligations of His Majesty's Government to both Arabs and Jews and for the special position in Palestine of the Jewish National Home.

(c) such requirements to meet the strategic situation as may be regarded as necessary by His Majesty's Government in the light of the circumstances then existing.

His Majesty's Government will also require to be satisfied that the interests of certain foreign countries in Palestine, for the preservation of which they are at present responsible, are adequately safeguarded.

(8) His Majesty's Government will do everything in their power to create conditions which will enable the independent Palestine State to come into being within ten years. If, at the end of ten years, it appears to His Majesty's Government that, contrary to their hope, circumstances require the postponement of the establishment of the independent State, they will consult with representatives of the people of Palestine, the Council of the League of Nations and the neighbouring Arab States before deciding on such a postponement. If His Majesty's

Government come to the conclusion that postponement is unavoidable, they will invite the co-operation of these parties in framing plans for the future with a view to achieving the desired objective at the earliest possible date.

11. During the transitional period steps will be taken to increase the powers and responsibilities of municipal corporations and local councils.

II. IMMIGRATION.

12. Under Article 6 of the Mandate, the administration of Palestine, "while ensuring that the rights and position of other sections of the population are not prejudiced", is required to "facilitate Jewish immigration under suitable conditions". Beyond this, the extent to which Jewish immigration into Palestine is to be permitted is nowhere defined in the Mandate. But in the Command Paper of 1922 it was laid down that for the fulfilment of the policy of establishing a Jewish National Home

> "It is necessary that the Jewish community in Palestine should be able to increase its numbers by immigration. This immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals. It is essential to ensure that the immigrants should not be a burden upon the people of Palestine as a whole, and that they should not deprive any section of the present population of their employment".

In practice, from that date on until recent times, the economic absorptive capacity of the country has been treated as the sole limiting factor, and in the letter which Mr Ramsay MacDonald, as Prime Minister, sent to Dr Weizmann in February 1931, it was laid down as a matter of policy that economic absorptive capacity was the sole criterion. This interpretation has been supported by resolutions of the Permanent Mandates Commission. But His Majesty's Government did not read either the Statement of Policy of 1922 or the letter of 1931 as implying that the Mandate requires them, for all time and in all circumstances, to facilitate the immigration of Jews into Palestine subject only to the consideration of the country's economic absorptive capacity. Nor do they find anything in the Mandate or in subsequent Statements of Policy to support the view that the establishment of a Jewish National Home in Palestine cannot be effected unless immigration is allowed to continue indefinitely. If immigration has an adverse effect upon the economic position in the country, it should be clearly restricted; and equally, if it has a seriously damaging effect upon the political position in the country, that is a factor that should not be ignored. Although it is not difficult to contend that the large number of Jewish immigrants who have been admitted so far have been absorbed economically, the fear of the Arabs that this influx will continue indefinitely until the Jewish population is in a position to dominate them has produced consequences which are extremely grave for Jews and Arabs alike and for the peace and prosperity of Palestine. The lamentable disturbances of the past three years are only the latest and most sustained manifestation of this intense Arab apprehension. The methods employed by Arab terrorists against fellow- Arabs and Jews alike must receive unqualified condemnation.

But it cannot be denied that fear of indefinite Jewish immigration is widespread amongst the Arab population and that this fear has made possible disturbances which have given a serious setback to economic progress, depleted the Palestine exchequer, rendered life and property insecure, and produced a bitterness between the Arab and Jewish populations which is deplorable between citizens of the same country. If in these circumstances immigration is continued up to the economic absorptive capacity of the country, regardless of all other considerations, a fatal enmity between the two peoples will be perpetuated, and the situation in Palestine may become a permanent source of friction amongst all peoples in the Near and Middle East. His Majesty's Government cannot take the view that either their obligation under the Mandate, or considerations of common sense and justice, require that they should ignore these circumstances in framing immigration policy.

13. In the view of the Royal Commission, the association of the policy of the Balfour Declaration with the Mandate system implied the belief that Arab hostility to the former would sooner or later be overcome. It has been the hope of British Governments ever since the Balfour Declaration was issued that in time the Arab population, recognising the advantages to be derived from Jewish settlement and development in Palestine would become reconciled to the further growth of the Jewish National Home. This hope has not been fulfilled. The alternatives before His Majesty's Government are either (i) to seek to expand the Jewish National Home indefinitely by immigration, against the strongly expressed will of the Arab people of the country; or (ii) to permit further expansion of the Jewish National Home by immigration only if the Arabs are prepared to acquiesce in it. The former policy means rule by force. Apart from other considerations, such a policy seems to His Majesty's Government to be contrary to the whole spirit of Article 22 of the Convenant of the League of Nations, as well as to their specific obligations to the Arabs in the Palestine Mandate. Moreover, the relations between the Arabs and the Jews in Palestine must be based sooner or later on mutual tolerance and goodwill; the peace, security, and progress of the Jewish National Home itself require this. Therefore His Majesty's Government, after earnest consideration, and taking into account the extent to which the growth of the Jewish National Home has been facilitated over the last twenty years, have decided that the time has come to adopt in principle the second of the alternatives referred to above.

14. It has been urged that all further Jewish immigration into Palestine should be stopped forthwith. His Majesty's Government cannot accept such a proposal. It would damage the whole of the financial and economic system of Palestine and thus affect adversely the interests of Arabs and Jews alike. Moreover, in the view of His Majesty's Government, abruptly to stop further immigration would be unjust to the Jewish National Home. But, above all, His Majesty's Government are conscious of the present unhappy plight of large numbers of Jews who seek a refuge from certain European countries, and they believe that Palestine can and should make a further contribution to the solution of this pressing world problem. In all these circumstances, they believe that they

will be acting consistently with their Mandatory obligation to both Arabs and Jews, and in the manner best calculated to serve the interests of the whole people of Palestine, by adopting the following proposals regarding immigration:

(1) Jewish immigration during the next five years will be at a rate which, if economic absorptive capacity permits, will bring the Jewish population up to approximately one-third of the total population of the country. Taking into account the expected natural increase of the Arab and Jewish populations, and the number of illegal Jewish immigrants now in the country, this would allow of the admission, as from the beginning of April this year, of some 75,000 immigrants over the next five years. These immigrants would, subject to the criterion of economic absorptive capacity, be admitted as follows:-

(a) For each of the next five years a quota of 10,000 Jewish immigrants will be allowed, on the understanding that a shortage in any one year may be added to the quotas for subsequent years, within the five years period, if economic absorptive capacity permits.

(b) In addition, as a contribution towards the solution of the Jewish refugee problem, 25,000 refugees will be admitted as soon as the High Commissioner is satisfied that adequate provision for their maintenance is ensured, special consideration being given to refugee children and dependants.

(2) The existing machinery for ascertaining economic absorptive capacity will be retained, and the High Commissioner will have the ultimate responsibility for deciding the limits of economic capacity. Before each periodic decision is taken, Jewish and Arab representatives will be consulted.

(3) After the period of five years no further Jewish immigration will be permitted unless the Arabs of Palestine are prepared to acquiesce in it.

(4) His Majesty's Government are determined to check illegal immigration, and further preventive measures are being adopted. The numbers of any Jewish illegal immigrants who, despite these measures, may succeed in coming into the country and cannot be deported will be deducted from the yearly quotas.

15. His Majesty's Government are satisfied that, when the immigration over five years which is now contemplated has taken place, they will not be justified in facilitating, nor will they be under any obligation to facilitate the further development of the Jewish National Home by immigration regardless of the wishes of the Arab population.

III. Land

16. The Administration of Palestine is required, under Article 6 of the Mandate, "while ensuring that the rights and position of other sections of the population are not prejudiced", to encourage "close settlement by Jews on the land", and no restriction has been imposed hitherto on the transfer of land from Arabs to Jews. The Reports of several expert Commissions have indicated that, owing to the natural growth of the Arab population and the steady sale in recent years of Arab land to Jews, there is now in certain areas no room for further transfers of Arab land, whilst in some other areas such transfers of land must be restricted if the Arab cultivators are to maintain their existing standard of life and a considerable landless Arab population is not soon to be created. In these circumstances, the High Commissioner will be given general powers to prohibit and regulate transfers of land. These powers will date from the publication of this statement of policy and the High Commissioner will retain them throughout the transitional period.

17. The policy of His Majesty's Government will be directed towards the development of the land and the improvement, where possible, of methods of cultivation. In the light of such development it will be open to the High Commissioner, should he be satisfied that the "rights and position" of the Arab population will be duly preserved, to review and modify any orders passed relating to the prohibition or restriction of the transfer of land.

18. In framing these proposals His Majesty's Government have sincerely endeavoured to act in strict accordance with their obligations under the mandate to both the Arabs and the Jews. The vagueness of the phrases employed in some instances to describe these obligations has led to controversy and has made the task of interpretation difficult. His Majesty's Government cannot hope to satisfy the partisans of one party or the other in such controversy as the Mandate has aroused. Their purpose is to be just as between the two peoples whose destinies in that country have been affected by the great events of recent years, and who, since they live side by side, must learn to practise mutual tolerance, goodwill and co-operation. In looking to the future, His Majesty's Government are not blind to the fact that some events of the past make the task of creating these relations difficult; but they are encouraged by the knowledge that at many times and in many places in Palestine during recent years the Arab and Jewish inhabitants have lived in friendship together. Each community has much to contribute to the welfare of their common land, and each must earnestly desire peace in which to assist in increasing the well-being of the whole people of the country. The responsibility which falls on them, no less than upon His Majesty's Government, to co-operate together to ensure peace is all the more solemn because their country is revered by many millions of Moslems, Jews and Christians throughout the world who pray for peace in Palestine and for the happiness of her people.

Warning and Protest.

On April 18th, 1939, one month before the White Paper was published, Dr Chaim Weizmann, the President of the Jewish Agency, warned the Prime Minister of the consequences of his proposed policy in the following cable:

> On my return to Palestine I have found the Jewish community united in resolute determination to oppose the contemplated policy with all its strength. The proposed liquidation of the Mandate and the establishment of an independent Palestinian State, coupled with the reduction of the Jewish population to one-third of the total and the restriction of the area of Jewish settlement to a small sector of the country, are viewed as the destruction of Jewish hopes and the surrender of the Jewish community of Palestine to the rule of the Arab junta responsible for the terrorist campaign. The adoption of these proposals will be regarded as tantamount to the establishment of a Jewish ghetto in a small corner of the country.
>
> The Jews are determined to make the supreme sacrifice rather than submit to such a regime. I feel it my solemn duty to draw the attention of His Majesty's Government to the grave consequences involved before the irrevocable step of adopting and announcing this policy is taken. This policy will, I am convinced, defeat His Majesty's Government's object of pacifying the country, but may compel the Government to use force against the Jews - I would regard this as a supreme tragedy. It will also engender further bitterness between Jews and Arabs, and drive Jews who have nothing to lose anywhere to courses of despair. I appeal to you, in the name of justice and the peace of the Holy Land, not to disregard this advice offered with full knowledge of the facts and out of a deep anxiety for all concerned.
>
> CHAIM WEIZMANN

Dr Weizmann's grave warning went unheeded. As he had foretold, the White Paper provoked an angry storm which, after eight years, is not yet stilled. The bitterness of the Jewish community of Palestine at the Government's "treacherous policy" was expressed in countrywide mass demonstrations in which the Yishuv pledged itself to resist that policy to the uttermost, declaring that no Jew "will have a hand in the creating of any administrative organs based on (the White Paper), nor will anyone co-operate with it"; that "the Yishuv will neither

recognise nor admit any callous restriction of Jewish immigration into its land"; and that "the Yishuv will not acquiesce in the decree that this country's soil be left barren and desolate". The Jewish Agency gave vent to similar feelings in a Statement x) issued in Jerusalem on the same day that the White Paper was published, in which Dr Weizmann's grave words were re-emphasised:

STATEMENT OF EXECUTIVE OF JEWISH AGENCY ON THE 1939 WHITE PAPER

1. The new policy for Palestine laid down by the Mandatory in the White Paper issued on May 17th denies to the Jewish people the right to re-constitute its National Home in its ancestral land. It hands over the government of the country to the present Arab majority and places the Jewish community of Palestine at the mercy of that majority. It decrees the stoppage of immigration as soon as the Jewish inhabitants of the country have become one-third of the total population. It sets up a territorial ghetto for Jews in their own homeland.

2. The Jewish people regard this breach of faith as a surrender to Arab terrorism, a delivery of England's friends into the hands of its enemies. It widens the gulf between Jews and Arabs and destroys any prospect of peace in the country.

The Jewish people will not acquiesce in such a policy. The new regime envisaged in the White Paper will be a regime of mere coercion devoid of all moral basis and contrary to international law. Such a regime can only be established and maintained by force.

3. The Royal Commission, invoked by the White Paper, indicated the dangers inherent in such a regime. "Convinced as they (the Jews) are", they wrote, "that an Arab Government would mean the frustration of all efforts and ideals, that it would convert the National Home into one more cramped and dangerous ghetto, it seems only probable that they would fight rather than submit to as unpleasant a task as the repression of the Arab rebellion has been". The Government has disregarded this warning.

Arab rule and to repress a Jewish rebellion against Britain would be

4. The Jewish people has no quarrel with the Arab people. The Jewish work in Palestine had no adverse effect upon the life and progress of the Arab people. The Arabs are not a landless or a homeless race like the Jews. They are not in need of emigration. Jewish colonisation has benefitted Palestine and all its inhabitants. As was pointed out by the Royal Commission, in so far as the Balfour Declaration helped to bring about the Allies' victory in the Great War, it helped to bring about the emancipation of all the Arab countries.

The Jewish people has shown its desire for peace even during the years of the disturbances and was not provoked into retaliation by the prolonged Arab terror. But the Jewish people did not and will not yield to terrorism despite His Majesty's Government's de-

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x) Political Report of the Executive of the Jewish Agency. XXI Zionist Congress, Geneva, August 1939, Appendix X

cision to reward the terrorists by jettisoning the Jewish National Home.

5. It is in the darkest hour of Jewish history that the British Government proposes to deprive the Jews of their last hope and to bar the way back to the homeland. This cruel blow is doubly cruel because it is delivered by the Government of a great nation which extended its helping hand to the Jews and whose position in the world rests upon the foundations of moral authority and international good faith.

This blow will not subdue the Jewish people. The historical connection and the land of Israel will not be broken. The Jews will never accept the closing of the gates of Palestine to them nor will they let their National Home be converted into a ghetto. The Jewish pioneers who for the last three generations have shown their strength in rebuilding their desolate land will now likewise prove their strength in defending Jewish immigration, the Jewish homeland and Jewish freedom.
Jerusalem, May 17th, 1939.

The 1939 White Paper before Parliament.

The White Paper met with little better reception in the House of Commons. After being severely castigated from both sides of the House, for their dishonourable repudiation of their pledges and their ignominous surrender to Arab violence, the Government made the approval of their Palestine policy a matter of confidence, and finally secured its adoption on May 23rd, 1939 by the comparatively small majority of 89 in place of the 200 of which they was normally assured. The opposition comprised the Labour Party and twenty-two Government supporters, while over a hundred of the latter abstained from voting. In the following pages will be found excerpts of some of the most important speeches made during the debate. x)

Mr Tom Williams (Labour), at present Minister of Agriculture in the Labour Government:

If it was ever intended by those who produced the Balfour Declaration that the Jews should remain a permanent minority in Palestine, why were those very careful safeguards provided for the non-Jewish population? It must have been clear to those who produced those safeguards that the possibility of a Jewish majority was there; to that extent, a Jewish majority, a Jewish State or Commonwealth were, rightly or wrongly, all visualised at that time. It might take 40, 50, or 100 years for that majority to be created, but, as long as it was a question of economic absorptive capacity, and as long as safeguards were applied, the Arabs needed never be in fear of the domination of the Jews. The White Paper definitely cancels all those possibilities. On page 9, the

(for footnote see next page)

Government deny that the Mandate required them to tate immigration for all time; but on page 4 are re these words from the Command Paper of 1922: -

"But in order that this community should have the be prospect of free development and provide a full oppo for the Jewish people to display its capacities, it is tial that it should know that it is in Palestine as o and not on sufferance."

If the Jews can go to Palestine "as of right and not on sufferance", how can the right hon. Gentleman suggest th Government have no further obligation to facilitate immigration? Moreover, if the Jews are going to Palestine as right, quite clearly the Government are under almost a pe manent obligation, as long as their mandatory authority co tinues, to facilitate immigration in accordance with the economic absorptive capacity, and I suggest that either that part of the White Paper is special pleading or the Government have misread their obligations. The White Paper states: -

> "Nor do they find anything in the Mandate... to support the view that the establishment of a Jewish National Home cannot be effected unless immigration is allowed to continue indefinitely".

The right hon. Gentleman repeated those words this afternoon. It all depends on the kind of home one has in mind. If one thinks in terms of the home envisaged by Lord Balfour obviously immigration must continue. If one thinks on the lines of the right hon. Gentleman the Member for Epping (Mr Churchill), of some 3,000,000 or 4,000,000 Jews making their home there, immigration will have to go on for a long time indeed. If one thinks in terms of a home where a happy, free and contented people are working out their destiny, that would be one kind of a home; but the White Paper seems to think in terms of a ramshackle council house -- what has been described as a "territorial ghetto" -- and which is not theirs to occupy, but where they are to be, like a lodger, in a position to be turned out at any moment. If the White Paper is correct, the same sort of reasonable immigration could have stopped five or fifteen years ago, and the same sort of justification could have been given for it as has been given today. The right hon. Gentleman can find no more justification in the White Paper for establishing an Arab State and placing the Jews in a permanent minority than he can for doing the opposite. He is going to turn those Jews who have gone to Palestine into persons who have gone there not as of right, but only on sufferance, which is directly contrary to the words of the Command Paper.

The Government, on page 3 of the White Paper, categorically declare that the Arabs should not be made subjects of a

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x) Parliamentary Debates, House of Commons, May 22nd and 23rd, 1939.

but they go on to turn the mandate completely upside down, and turn the Jews into subjects of an Arab State

Jewish State. It may be that the Government are correct: that the Arabs ought not to be subjects of a Jewish State; They are to remain a minority in perpetuity, and when an independent State is set up, the Jews are to become subjects of an Arab State particularly if the Arabs have the power to prevent any immigration after the first five years.

Mr Philip Noel-Baker (Labour), at present Secretary of State for Air in the Labour Government, had been a member of the British Delegation to the Versailles Peace Conference:

> I saw the Mandate bing made in Paris and Geneva 20 years ago. Day by day I talked about it with those, on the Arab side, on the Jewish side and in the British Foreign Office who worked it out. Perhaps it is because of that experience that I have never been able to understand why some people think that the Mandate does injustice to the Arabs. I have never been able to understand how the Secretary of State could tell the House last November that if he were an Arab he would be afraid of the coming of the Jew. I thought it the more extraordinary that he should have made that statement last November because in the very same speech he told us that thanks to the Mandate, thanks to the Jews, there were 400,000 more Arabs alive and prosperous today than there would otherwise have been. No one has forgotten the generous tribute he made last November, and which he repeated in a lesser measure this afternoon, to the work which the Jews have done, and to the way in which they have expanded the soil of Palestine and have enlarged the common patrimony of the country for both Arab and Jews ....
>
> By all this talk about the fears of the Arabs of Jewish domination, the Secretary of State has got himself into a very strange position. He said to-day that it would be repugnant to our own national spirit and traditions, repugnant to the spirit of the Mandate and, if I understood him right, repugnant even to the letter of the Mandate itself, to convert Palestine into a Jewish State against the will of the Arab population. So he arrives at this extraordinary result: That the will of the Arab population, or what the Mufti and his followers choose to call the will of the Arab population must be decisive, and that, after a period of adjustment, the Jews must not exceed the number to which the Arabs will agree. Thus under the Mandate and the Balfour Declaration, the Arabs are to be in the majority for ever. If the speech of the Secretary of State and the White Paper do not mean that, they do not mean anything at all. An ingenuous leader leader writer in "The Times" put the matter very plainly the other day in his comment upon the White Paper. He said:
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> "The unrestricted increase of Jewish immigration must in time contradict the terms of the Mandate by converting the Arab population into a minority and thereby varying or subverting their existing political rights."
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> That is the doctrine of the White Paper writ plain and large I challenge the right hon. Gentleman to deny that in the light of the Balfour Declaration and the Mandate, that doctrine is utterly grotesque. The Balfour Declaration provide for the establishment of the Jewish Home: and went on to say that nothing should be done which might "prejudice the civil and religious rights' of existing non-Jewish sections of the

population. Why "non-Jewish" if the Arabs were to be in in the majority? In that case, it would plainly have been necessary to protect the Jews.

....The Royal Commission declared in 1937 that:-
"The primary purpose of the Mandate as expressed in its preamble and its articles, is to promote the establishment of a Jewish National Home"; and the Government, in the famous letter written in 1931 by Mr. Ramsay MacDonald, which has already been quoted this afternoon, recognised that that was an undertaking, not only to the Jews in Palestine, but to Jews throughout the world. All these solemn pledges, these international obligations - for such they are the Secretary of State puts aside. For him, the primary purpose of the Mandate is no longer the establishment of a Jewish National Home, but the protection of Arab rights; and not the rights of the Balfour Declaration - political freedom and civil justice in a free State - but a new right which he has invented, the right that the Arabs shall be in a majority for ever. So he condemns the Jews for ever to minority status; minority status among Arabs - not minority status among the European peoples, or among the American people, whose countries they have left to go to Palestine; minority status, from which the whole purpose of the Mandate was that, after 15 centuries of dispersion and persecution, they should at last escape.

This afternoon the Secretary of State tried to comfort us by talking of constitutional safeguards for the Jews. I ask him, what safeguards? I hope the Under-Secretary will tell us. He spoke of federation. In the Jewish unit of the federation will there be freedom of immigration? I ask him to tell me. I wish he would tell me now. If he uses a word like "federation," he ought to have clear ideas on a fundamental point like that. I ask him, if constitutional safeguards will protect the Jews, why will they not protect the Arabs, especially with the great Arab hinterland behind? I ask him why, if the Arabs are afraid of Jewish domination, he never mentioned the Jewish offer of political parity which they have made, and have always stood by, from from the very start? He cannot give us an answer to these questions, for there is none. By inventing this new Arab right to be in a majority, he has utterly destroyed the purpose and the meaning of the Mandate, and has violated its spirit in every possible way.

But in his White Paper and in his speech he not only violates the spirit and purpose of the Mandate, but he violates the letter of its articles as well. Article 2, which deals with immigration, lays it down that we as Mandatory shall - not may or should, but shall - facilitate Jewish immigration, and encourage close Jewish settlement on the land. As the right hon. Gentleman the Member for Carnarvon Boroughs has said, no one at the time ever dreamt that there would be a restriction on that right of immigration; they doubted, rather whether the Jews would really want to go. But a restriction was in fact instituted. As the Secretary of State said, in 1922 the right hon. Gentleman the Member for Epping (Mr. Churchill) brought in the principle of economic absorptive capacity. It was a restriction on Jewish rights, on their right to go to Palestine; but it was accepted, however reluctantly, by the Jews. The Secretary of State said today

that that principle does not mean that we must allow the Jews to go up to the limit of economic absorptive capacity; he challenged that interpretation completely. Has he forgotten that, when the White Paper of 1922 was issued, the Jews wrote a letter in which they gave exactly that interpretation to the new principle, namely, that they should be allowed to go to the limit of economic absorptive capacity? Has he forgotten that the British Government of the day sent that letter, together with the White Paper and their draft of the Mandate, to the League of Nations, without any dissenting note of any kind, and that it was on those three documents together that the Mandate was approved? Not only that, but the Government have gone on asserting almost ever since that the principle of economic absorptive capacity means precisely what the Jews claimed that it should. I could quote a score of Government declarations; I will quote only one. Lord Swinton, who was then Secretary of State for the Colonies, said in 1933:-

"It has always been the policy followed by the Mandatory Power - and no other policy could possibly be pursued in Palestine in carrying out the idea of a National Home - that the economic conditions of the country must govern the number of immigrants."

Time after time, in 1933, 1934, 1935 and 1936, the Government spokesmen have used the word "govern" or "determine" in that same sense. To-day, the Secretary of State challenges that principle; he says that political factors must also be considered - that if the Arabs are against continued immigration, it must stop. And so he substitutes for economic absorptive capacity what my right hon. Friend the Member for South Hackney last November called the principle of political absorptive capacity, with the consent of the Mufti and his colleagues as the test of the application of this new principle. I again without hesitation say that this new principle is in open conflict with the Mandate and with the White Paper of 1922, and I am certain that if the right hon. Gentleman who wrote that White Paper were here he would agree. I cannot believe that the Mandates Commission of the League will approve of this new principle, or that this House should approve of it until it knows what that Commission is going to do. This is not the first time that the Secretary of State's argument about political considerations has been put forward, and he, if anyone, ought to remember that fact. It was put forward in the famous and ill-fated White Paper of 1930, which was the Government's response, as this White Paper is, to Arab violence. It proposed, as the Secretary of State now proposes, to throw over the principle of economic absorptive capacity, and drastically to reduce Jewish immigration on political grounds. What happened? British opinion was so incensed that the Government were obliged virtually to withdraw the White Paper, abandon their restrictions on immigration and reassert the principle of economic absorptive capacity as the decisive and the only test.

I do not believe that, in his heart of hearts, the Secretary of State greatly differs from much that I have said. He knows that he is proposing a change in the meaning and purpose of the Mandate. He justifies it because he says that to continue Jewish immigration means government by force. None of us wants government by force; but in the present situation the Secretary of State's proposition is a euphemism for giving way to a lawless force. It is a polite way of saying that we will surrender to the Mufti and his gang, that in the hope of getting peace, we must do another Munich on the Jews. When you contemplate a Munich the first question to ask is: "Shall we really get peace or shall we not?" What is the terrorism to which the Secretary of State is now surrendering? When did the present disturbances begin and by whom

were they organised? They began in 1935, at the time of the Abyssinian affair, when we were imposing our feeble economic sanctions on Mussolini. They were organised by the Mufti, who for nearly 20 years has worked against the Mandate, and who threatened to the Royal Commission that the Jews would be expelled when Arab State had been set up. It was paid for and assisted by the aggressive Powers who have kept Europe in a ferment, and against whom today we are compelled to prepare for war. Money, arms, officers, organisers, everything came from Italy and Germany. Already in 1935 - I am quoting the editor of the Quarterly Review - 50 German agents were sent to Africa and the Near East. Their destinations, among others, were Haifa and Jaffa. They were given instructions to carry on the most intense propaganda efforts among the natives. In 1936 - I am quoting the Daily Telegraph - the Jerusalem police intercepted documents proving that the Arab raiders received £ 50,000 from Germany and £ [illegible],000 from Italy for the purpose of strengthening their resistance. We know that British officers in Palestine talk freely of the German and Italian arms and money that the terrorists have received. We know that the land mines by which British soldiers have been murdered could not be made and could not be operated by the Arabs. We know that on one occasion the blood hounds followed the trail from a land mine to a blacksmith's shop in the German Colony of Waldenheim. We know that Dr. Goebbels has established a propaganda school for Arabs in Berlin.

As the right hon. Gentleman the Member for Sparkbrook said tonight, the British Empire has dealt with many more serious revolts than this. Indeed, although it sounds like a paradox, it may well be that at the present moment there is a better chance of securing real Arab-Jewish co-operation than ever before. Before this White Paper was produced, the Mufti was utterly discredited, and his gangsters had been scattered or destroyed. The vast majority of the Arab people were known to be longing for the end of terror and for peace; they knew that the Jewish immigration had brought not only Jewish prosperity, but Arab prosperity as well. It is at this moment, when the foreign-fomented terrorism has been almost ended, when order has been very largely restored, when the Jews are suffering a persecution such as they have not known in their long history, and such as was not dreamed of in 1919 when the National Home was first conceived, when the National Home has proved, spiritually, financially, and economically, to be a practical success; it is at this moment, when very many of the doubts of 1919 have been resolved, that the Government throw aside the policy of the Balfour Declaration, of the National Home. It is not that policy which has failed. It is the Government who have failed because they have never really tried to make the policy work.

If one thing is more certain than another it is that this new policy will be a failure. The Jews will not have it. The British will not have it. They will not have it because it is cowardly and wrong.

Mr Herbert Morrison (Labour), at present Lord President of the Council and leader of the House in the Labour Government, was the co-author of the ill-fated Morrison-Grady Cantonisation plan. A noteworthy feature of Mr Morrison's speech was his assertion that the Government's White Paper policy would not be automatically binding upon their successors. Six years afterthat speech the Labour Party came into power. There is no change, however, in Palestine policy. The White Paper remains in force - in fact, in Mr Bevin's words, x) it is an undertaking which the moral rectitude of the present British Government does not permit them to repudiate:

> The right hon. Gentleman (the Colonial Secretary, Mr Malcolm MacDonald) took as his text two promises that appear to have been made by representatives of His Majesty's Government during the progress of the Great War. If I were asked to select the text of the speech of the Secretary of State these are the words that I would select. The right hon. Gentleman said:
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> "There were two peoples who were interested from the point of view of settlement in Palestine - the Arabs and the Jews - and largely on the strength of promises made to them by His Majesty's Government, promises touching Palestine, each of them played a certain part in the War and each of them took certain risks in the Allied cause. The question then is a matter of honour. The good name of Great Britain is involved. The obligations which we contracted towards the Jews and Arabs cannot be paid in counterfeit coinage."
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> It seems to me that the right hon. Gent--leman took the view that we had made contradictory promises, that there was a moral and honourable obligation on our country to respect both of these promises, and that then he went on to face the problem that came to him. I am bound to say that, having read with great care the speech which he made, I cannot accept the view that His Majesty's Government is doing anything other than counterfeiting this business, or that it is doing other than breaking its promises and acting dishonourably before the whole civilised world. The right hon. Gentleman, having referred to the two promises and to British honour, it seems to me, devoted the rest of an hour's speech to an endeavour to twist the Balfour Declaration and the Mandate into some sort of harmony with the White Paper, notwithstanding the fact, as proved by hon. and right hon. Gentlemen yesterday, that the White Paper is not in harmony with either the Balfour Declaration or the Mandate, is not in harmony with their wording, is not in harmony with their spirit. The policy which the Government have embodied in the White Paper, in my judgement,- I do not think there can be serious argument about it - is in direct conflict

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x) House of Commons, February 25th, 1947.

with Ministerial declarations, including the declarations of right hon. Gentlemen who are now Members of the Government...

The right hon. Gentleman's second purpose seemed to me to be to flatter the Jews for the purpose of reconciling them to becoming another permanent minority problem in the world. The Jews, already victims of other races as a minority in certain countries, are now to make a permanent minority in the country that has been promised to them as the Jewish National Home in Palestine. I am afraid that the flattering of the Jews by the right hon. Gentleman will not reconcile them to becoming the victims of another permanent minority problem. Thirdly, the right hon. Gentleman referred to, but he avoided the slightest clarity as to the future protection of the Jewish minority. Having decided that the Jewish people were to be in Palestine a permanent minority, not exceeding one-third of the population, having said that His Majesty's Government would at the time provide means for the protection of that minority, the right hon. Gentleman was utterly unwilling or utterly unable, or both, to give any indication as to how that protection would be afforded...
.... I do not wish to violent in my language towards the right hon. Gentleman, but I am bound to say that on reading his speech the impression I formed was that the longer he spoke the more he quibbled, the more evasive and inconclusive he became. I should have had more respect for his speech if he had frankly admitted that the Jews were to be sacirficed to the incompetence of the Government in the matter, to be sacrificed to its inability to govern, to be sacrificed to its apparent fear of, if not, indeed, its sympathy with, violence and these methods of murder and assassination - that the Jews must be sacrificed to the Government's preoccupation with exclusively imperialist rather than human considerations. Probably the right hon. Gentleman's speech was the best he could do without the case he had to present, but it is not a speech which is going to reflect much to the credit of British honour standing on the printed records of the House of Commons.

We regard this White Paper and the policy in it as a cynical breach of pledges given to the Jews and the world, including America. This policy will do us no good in the United States, where we need to be done good, and where we need the good will of the great American people. It comes at a time of tragedy and apprehension for the Jewish race throughout the world, and it ought not be approved by the House today. The Mandates Commission of the League of Nations ought to have an opportunity of discussing it. If there is dispute about the quasi-legal arguments, they ought to be referred for decision to an appropriate international legal tribunal. I beg of the House not to approve this White Paper, but at the very least to insist that the Government shall engage in the appropriate international consultations before the House is asked to make a decision on a matter which is not only a British matter but one for the international conscience of the world, and a matter in which all other countries of the world are by implication involved.

If we do this thing today we shall have done a thing which is dishonourable to our good name, which is discreditable to our capacity to govern and which is dangerous to British security, to peace and to the economic interest of the world

in general and of our own country. Moreover, it will not work. The Jews and the Arabs have both said they will not have this solution. Therefore, illegal disorders will probably go on and the friction will continue....

....I do not know what Government will be in power in ten years' time, and it would certainly be wrong for me to indicate what such a Government would do in circumstances that we cannot foresee and cannot know, but I think it ought to be known by the House that this breach of faith, which we regret, this breach of British honour, with its policy with which we have no sympathy, is such that the least that can be said is that the Government must not expect that this is going to be automatically binding upon their successors. They must not expect that. I will go no further than that, but they must understand that this document will not be automatically binding upon their successors in office, whatever the circumstances of the time may be.

We cannot prevent this evil thing being done. We cannot prevent this White Paper being approved. Hon. Members opposite alone can stop this thing happening, and I appeal to them. I ask them to remember the sufferings of these Jewish people all over the world. I ask them to remember that Palestine, of all the places in the world, was certainly the place where they had some right to expect not to suffer or to have restrictions imposed upon them. Look at the extent of the country -- this little patch of territory. Transjordan has been taken away, and the rest of the Arabian countries, released from Turkish rule as a result of the War, have also been been taken away. This tiny patch, Palestine, about the size of Wales, is left, and we are to stop these people from going there. I appeal to hon. Members opposite to take their courage in both hands, to put the honour of their country before the narrow claims of Party, and to bring to bear all the pressure they can, all the influence they can, to prevent His Majesty's Government doing this thing that they ought not to do.

Mr Leopold Amery (Conservative), a former Colonial Secretary, had, while serving as a Secretary to the Imperial War Cabinet, been very closely associated with the negotiations which led up to the issue of the Balfour Declaration and had, in fact, been the author of the final published draft. His recount of the historical background of the British pledge lent, therefore, additional weight to his condemnation of its breaking:

> My right hon. Friend, the Secretary of State for the Colonies, began with an account of the origins of our policy in Palestine. I confess that that account did not tally altogether with my own recollections. I had the privilege of being, as a Secretary to the War Cabinet, very closely associated with the discussions, the long discussions, which preceded the Balfour De-

claration. My right hon. Friend referred to that policy as having been born in the tumult of war, and he suggested that there was some lack of consideration about it. He hinted to-day, indeed he told us more definitely last November, that the authors of the Balfour Declaration were not aware of a population of 600,000 Arabs in Palestine. Believe me, that is entirely remote from the situation as I remember it. That memorable document was not issued in haste or light-heartedly. It was not a sudden happy thought, a piece of war propaganda, meant to win the support of the American or Russian Jewry; still less was it issued in ignorance of the facts of the case.

On the contrary, all the relevant facts, all the difficulties that might arise, and were indeed bound to arise, from the natural reaction of a primitive population in contact with a new element, separated from it even more by centuries of development than by race and religion - all these aspects were canvassed for many months and were fully understood. But the statesmen of that day reviewed their problems from a wider perspective. They saw in the approaching dissolution of the Ottoman Empire a unique opportunity, which could never recur, for contributing to the solution of that baffling and tragic problem, the fate of a people which is not yet a people, which is a minority everywhere, with no home to call its own, whether as actual refuge from oppression or merely as focus for their pride and affection. They knew that the problem might become acute again at any moment, though they never dreamed of the immense orgy of persecution, of extirpation, which has since swept over Europe. In that respect at any rate, they builded better than they knew. If foresight is the measure of statesmanship, then surely, we should be proud today that it was British statesmanship which, by bold, constructive prevision, planned the framework of a Home a City of Refuge, which might, if it were allowed, be at this moment affording immeasurable relief, spiritual as well as material to the agony of the Jews. I should have thought that we might have been heartened and encouraged today to carry on a policy, so far-seeingly initiated and already so fruitfully advanced, with fresh confidence and a keener determination to overcome all obstacles. Instead we have this White Paper, which, from beginning to end, is a confession of failure, a direct negation of the principles on which our administration in Palestine has been based., and, in my view at any rate, a repudiation of the pledges on the strength of which the government of Palestine was entrusted to us.

There was another aspect of the question which appealed more particularly to some of the younger men like myself and the late Sir Mark Sykes - too soon lost to this House - who travelled in the Near East and who had taken a keen and sympathetic interest in the affairs of the Moslem world long before either of us had ever come in contact with Zionism. He believed that it was Britain's mission to restore prosperity and civilisation to those ancient lands that had once been the very centre of the civilised and prosperous life of the world and of its creative thought. We knew that, while we might give the indispensable framework from some more intimate and directly quickening influence, it seemed to us that

at the convenience of the administration at any moment.

..... The watchword is, " appease the Arabs", appease the Mufti. Appease them at all costs. Appease them by abandoning the declared policy of every Government for twenty years past. Appease them at the cost of sacrificing all the prestige which we might have gained from either Jews or Arabs by consistency, by firmness, by justice to both sides. After all, stripped of all verbiage, what does the White Paper mean? It means, to begin with, that the Arab contention that Palestine is an Arab country in which the Arab point of view must prevail over all other considerations, is accepted without qualification. No, with one very important qualification - delay. The Jews are to be a permanent minority. After an interval their entry is to be on sufferance, and no longer as of right. After that they are to be - subject to indefinite safeguards under a guarantee, which, we imagine, will be pretty worthless - as a National Home carried on under the rule of the Mufti. In every pledge that we have given - and I need not delay the House by repeating all the pledges that have been given right through to the Debate last November! and it was repeated to a deputation by the Prime Minister only a few weeks ago - the Jews were not to be placed in a poisition of permanent minority under the Arabs.

Why has this policy been adopted?..... Is it the fear that the Arab States will suddenly espouse the cause of the Axis Powers?.... The real reasons that have brought us to the present position are not theinherent difficulties of the situation ... They are lack of purpose, lack of that belief in one mission both to Arabs and Jews which underlay the policy of the Mandate, lack of faith in ourselves, sheer inability to govern. The state in Palestine is deplorable today, and is likely to be even more deplorable before long, as the result of what Burke once called "the irresistible operation of feeble councils".

Looking at the matter from the point of view of one who has had to administer Palestine, I ask myself, how is the new policy going to work out on the spot? The Arabs have had all their claims acknowledged. The actual settlement of these claims is relegated to the future. Jewish immigration will not be stopped for five years, self-government is to come, perhaps, in ten years. Knowing that what they have secured has been secured by violence, they will draw the obvious conclusion that, unless His Majesty's Government are kept on the run, by more intransigeance, more violence, more pressure from neighbouring states, the hopes that are now raised may possibly never be fulfilled. The White Paper is a direct invitation to the Arabs to continue to make trouble. As for the Jews, they are now told that all the hopes that they have been encouraged to hold for twenty years are to be dashed to the ground, all their amazing effort wasted - in so far as it was an effort to create a National Home - all the pledges and promises that have been given to them, broken. That is to be their reward for loyalty, for patience, for almost unbelievable self-restraint. Let us not forget of whom we are asking this. These are not like the Jews in Ger-

many, a helpless hopeless minority. They are a formidable body of people. They are composed largely of younger men who have undergone military training and are quite capable of defending themselves, of holding their own, if only we allowed them. They are people who have felt the breath of freedom and who mean to remain free. They are people who believe the land in which they are living is their own, not merely by old sentimental associations or even international sanction, but because, such as it is today, they have created it. Does my right hon. Friend believe that these people will be contented to be relegated to the position of a statutory minority, to be denied all hope of giving refuge and relief to their tortured kinsfolk in other countrainies; that they will wait passively until, in due course, they and the land they created are to be handed over to the Muftis? That is not only my view, but the view of the Royal Commission.....

Meanwhile this panic shcemm is to be pushed in panic haste through Parliament. Why? The whole matter is to come up before the Mandates Commission in a few weeks. Would it not be wiser for the Government to make sure that the Mandates Commission are prepared to endorse so complete a departure from the conditions of the Mandate? ..... For nearly seven years I was directly concerned in the administration not only of Palestine, but of Transjordenia, Iraq and other Arab countries. I worked wholeheartedly for what I believed to be the interests of all the peoples of those countries, of every race. I believe I enjoyed the goodwill and respect of both Jews and Arabs. I could never hold up my head again to either Jew or Arab if I voted tomorrow for what, in good faith, I repeatedly told both Jews and Arabs was inconceivable, namely, that any British Government would ever go back on the pledge given not only to the Jews but to the whole civilised world when it assumed the Mandate....

Mr Winston Churchill was the author, twenty-five years ago, of the famous White Paper which defined British obligations under the Balfour Declaration and which had been, until 1938, the authoritave guide for British policy in Palestine:

"I say quite frankly that I find this a melancholy occasion... As one intimately and responsibly concerned in the earlier stages of our Palestine policy, I could not stand by and see solemn engagements into which Britain has entered before the world set aside for reasons of administrative convenience or - and it will be a vain hope - for the sake of a quiet life.....

..... When I went to the Colonial Office it was in this spirit that I wrote this dispatch, under the authority of the Cabinet, which is quoted so much in the White Paper now before us. Great use is made of this dispatch of 1922 in the White Paper. It is sought to found the argument of the White Paper largely upon it. I stand by every word in those lengthy quotations which have been made from what I wrote. I would not alter a sentence after the 16 years that have passed, but I must say I think it rather misleading to quote so extensively from one part of the dispatch without indicating what was its main purpose. The particular paragraph quoted would do little to cool down the ardour of the Zionists and little to reassure the apprehensions of the Arabs. The main purpose of the dispatch was clear. That is what I say in paragraph (1):

"His Majesty's Government have no intention of repudiating the obligations into which they have entered towards the Jewish people."

I then proceeded to say that the Government would refuse to discuss the future of Palestine on any basis other than the basis of the Balfour Declaration. Moreover, the whole tenor of the dispatch was to make it clear that the establishment of self-governing institutions in Palestine was to be subordinated to the paramount pledge and obligation of establishing a Jewish National Home in Palestine. In taking up this position on behalf of the Government of the day I really was not going any further than the views which were ardently expressed by some of the ablest and most promising of our back-benchers at that time. The fact that they are leading Ministers today should, I think, have gained for the problem of Palestine a more considered and more sympathetic treatment than it has received.

Last night the Under-Secretary of State for Foreign Affairs used a surprising argument. He suggested that the obligation to introduce self-governing institutions into Palestine ranked equally with the obligation to establish a Jewish National Home. In this very dispatch of mine, which represented the views of the entire Government of the day, the greatest pains were taken to make it clear that the paramount duty was the establishment of a National Home. It was said on page 6:-

"The position is that His Majesty's Government are bound by a pledge which is antecedent to the Covenant of the League of Nations, and they cannot allow a constitutional position to develop in a country for which they have accepted responsibility to the principal Allied Powers which may make it impracticable to carry into effect a solemn undertaking given by themselves and their Allies".

Now I come to the gravamen of the case. I regret very much that the Balfour Declaration, endorsed as it has been by successive Governments, and the conditions under which we obtained the Mandate, have both been violated by the Government's proposals. There is much in this White Paper which is alien to the spirit of the Balfour Declaration -- the provision that Jewish immigration can be stopped in five years' time by the decision of an Arab majority. That is a plain breach of a solemn obligation. I am astonished that my right hon. Friend the Prime Minister, of all others, and at this moment above all others, should have lent himself to this new and sudden default.

To whom was the pledge of the Balfour Declaration made? It was not made to the Jews of Palestine, it was not made to those who were actually living in Palestine. It was made to world Jewry and in particular to the Zionist associations. It was in consequence of and on the basis of this pledge that we received important help in the war, and that after the war we received from the Allied and Associated Powers the Mandate for Palestine. This pledge of a home of refuge, of an asylum, was not made to the Jews in Palestine but to the Jews outside Palestine, to that vast, unhappy mass of scattered, persecuted, wandering Jews whose intense, unchanging, unconquerable desire has been for a National Home -- to quote the words to which my right hon. Friend the Prime Minister, subscribed in the Memorial which he and others sent to us: " .. the Jewish people who have through centuries of dispersion and persecution patiently awaited the hour of its restoration to its ancestral home".

These are the words. They were the people outside, not the people in. It is not with the Jews in Palestine that we have now or at any future time to deal, but with world Jewry, with Jews all over the world. That is the pledge which was given, and that is the pledge which we are now asked to break, for how can this pledge be kept, I want to know, if in five years's time the National Home is to be barred and no more Jews are to be allowed in without permission of the Arabs?

I entirely accept the distinction between making a Jewish National Home in Palestine and making Palestine a Jewish National Home, I think I was one of the first to draw that distinction. The Government quote me, and they seem to associate me with them on this subject in their White Paper, but what sort of National Home is offered to the Jews of the world when we are asked to declare that in five years' time the door of that home is to be shut and barred in their faces? The idea of home to wanderers is, surely, a place to which they can resort. When grim and painful words like "breach of pledge", "repudiation" and "default" are used in respect of the public action of men and Ministers who in private life observe a stainless honour -- the country must discuss these matters as they present themselves in their public aspect -- it is necessary to be precise, and to do them justice. His Majesty's Government have been brutally precise. In the White Paper, in subsection (3) of paragraph 14 there is this provision:

"After the period of five years no further Jewish immigration will be permitted unless the Arabs of Palestine are prepared to acquiesce in it."

Now, there is the breach; there is violation of thepledge; there is the abandonment of the Balfour Declaration; there is the end of the vision, of the hope, of the dream. If you leave out those words, this White Paper is no more than one of the several experiments and essays in Palestinian constitution-making which we have had of recent years, but put in those three lines and there is the crux, the pacant point, the breach, and we must have an answer to it.

..... It is said specifically on page 10 of the White Paper that Jewish immigration during the next five years will be at a rate which, if the economic absorptive capacity allow, will bring the population up to approximately one-third of the total population of the country. After that the Arab majority, twice as numerous as the Jews, will have control, and all further Jewish immigration will be subject to their acquiescence, which is only another way of saying that it will be on sufferance. What is that but the destruction of the Balfour Declaration? What is that but a breach of faith? What is that but a one-sided denunciation- what is called in the jargon of the present time a unilateral denunciation - of an engagement?

.... I cannot feel that we have accorded to the Arab race unfair treatment after the support which they gave us in the late War. The Palestinian Arabs, of course, were for the most part fighting against us, but elsewhere over vast regions inhabited by the Arabs, independent Arab kingdoms and principalities have come into being such as had never been known in Arab history before. Some have been established by Great Britain and others by France. When I wrote this dispatch in 1922 I was advised by, among others, Colonel Lawrence, the truest champion of Arab rights whom modern times have known. He has recorded his opinion that the settlement was fair and just - his definite settled opinion. Together we placed the Emir Abdullah in Transjordania, where he remains faithful and prosperous to this day. Together, under the responsibility of the Prime Minister of those days, King Feisal was placed on the throne of Iraq, where his descendants now rule. But we also showed ourselves continuously resolved to close no door upon the ultimate development of the Jewish National Home, fed by continued Jewish immigration into Palestine. Colonel Lawrence thought it was fair then. Why should it be pretended that it is unfair now?

I cannot understand what are the credentials of the Government in this matter of Palestine. It is less than two years ago - about 18 months if I remember aright - since they came forward and on their faith and reputation, with all their knowledge and concerted action, urged us to adopt a wholly different solution from that which they now place before us. The House persuaded them not to force us into an incontinent acceptance of their partition plan, and within a few months, though they did not thank us for it, they had themselves abandoned and discarded it as precipitately as they had adopted it. Why, now, should that thrust this far more questionable bundle of expedients upon us? Surely it would only be prudent and decent for the Government .....to ascertain the view taken by the Mandates Commission of the League of Nations, before whom these proposals are to go, before claiming a parliamentary decision in their favour.

I cannot understand why this course has been taken. I search around for the answer. The first question one would ask oneself is foreshadowed in a reference made in the speech made of my hon. Friend, and this is: Is our condition so perilous and our state so poor that we must, in our weakness, make this sacrifice of our declared purpose? .... I do not believe it is true. I cannot believe that the task to which we set our hand twenty years ago in Palestine is beyond our strength, or that faithful perseverance will not, in the end, bring the task through to a glorious success. I am sure of this, that to cast the plan aside and show yourselves infirm of will and unable to pursue a long, clear and considered purpose, bending and twisting under the crush and pressure of events - I am sure that that is going to do us a most serious and grave injury at a time like this.

We must ask ourselves another question, which arises out of this: Can we - and this is the question - strengthen ourselves by this repudiation? Shall we relieve ourselves by this repudiation? .....

What will our potential enemies think? What will those who have been stirring up these Arab agitators think? Will they not be encouraged by our confession of recoil? Will they not be tempted to say: " They are on the run again. This is another Munich", and be the more stimulated in their aggression by these very unpleasant reflections which they may make?....

It is hoped to obtain five years of easement in Palestine by this proposal; surely the consequences will be entirely the opposite. A sense of moral weakness in the Mandatory Power, whose many years of vacillation and uncertainty have, as the right hon. Gentleman admitted yesterday, largely provoked the evils from which we suffer, will rouse all the violent elements in Palestine to the utmost degree. In order to avoid the reproach, the bitter reproach, of shutting out refugees during this time of brutal persecution, the quota of immigration may be raised, as we were told by the Secretary of State, and may be continued at an even higher level in the next five years. Thus, irritation will continue and the incentive to resist will be aggravated. What about those five years? Who will say where we are going to be five years from now? .... Long before these five years are past, either there will be a Britain which knows how to keep its word on the Balfour Declaration and is not afraid to do so, or, believe me, we shall find ourselves relieved of many overseas responsibilities other than those comprised within the Palestine Mandate.

Some of us hold that our safety at this juncture resides in being bold and strong. We urge that the reputation for fidelity of execution , a strict execution of public contracts, is a shield and buckler which the British Empire, however it may arm, cannot dispense with and cannot desire to dispense with. Never was the need for fidelity and firmness more urgent than now. You are not going to found and forge the fabric of a grand alliance to resist aggression, except by showing continued examples of your firmness in carrying out, even under difficulties, and in the teeth of difficulties the obligations into which you have entered. .....

I end upon the land of Palestine. It is strange indeed that we should turn away from our task in Palestine at the moment when, as the Secretary of State told us yesterday, the local disorders have been largely mastered. It is stranger still, that we should turn away when the great experiment and bright dream, the historic dream, has proved its power to succeed. Yesterday the Minister responsible descanted eloquently in glowing passages upon the magnificent work which the Jewish colonists have done. They have made the desert bloom. They have started a score of thriving industries, he said . They have founded a great city on the barren shore. They have harnessed the Jordan and spread its electricity throughout the land. So far from being persecuted, the Arabs

have crowded into the country and multiplied till their population has increased more than even all world Jewry could lift up the Jewish population. Now we are asked to decree that all this should stop and all this is to come to an end. We are now asked to submit - and this is what rankles most with me - to an agitation which is fed with foreign money and ceaselessly inflamed by Nazi and Fascist propaganda.

It is twenty years ago since my right hon. Friend used these stirring words:

> "A great responsibility will rest upon the Zionists, who, before long, will be proceeding, with joy in their hearts, to the ancient seat of their people. Theirs will be the task to build up a new prosperity and a new civilisation in old Palestine, so long neglected and misruled".

Well, they have answered his call. They have fulfilled his hopes. How can he find it in his heart to strike them this mortal blow?

The White Paper was debated in the House of Lords on May 23rd, 1939, and here again the Government was subjected to widespread attack. A particularly moving speech was made by the Archbishop of Canterbury, the Most Reverend Dr. Cosmo Gordon Lang, who, having visited the Jewish settlements in Palestine, was able to understand more clearly the urge of the Jews to escape from "that minority status which has been their lot through long centuries in every part of the world":

> ... When I come to the actual Government policy as outlined in this White Paper, then I am bound in honesty to say that I have very grave misgivings. I cannot feel that it holds out a prospect of reasonable justice to the Jews. Consider their position ..... In 1914 they were 80,000; they are now more than 450,000. They have been encouraged to enter the country; they have been encouraged to invest great sums of money in industrial and other enterprises. They have erected very noble buildings, and, apart from the industrial and agricultural improvements which they have wrought, they have set a seal upon the genuineness of their belief in a Jewish culture of their own by their noble University in Jerusalem.
> As far as concerns the results of their presence in the part of Palestine in which they chiefly dwell, those of us who have seen those Jewish settlements must feel that they are fulfilment of the old prophesy that "the desert shall blossom as the rose". All the while that they have carried out a plan about which ..... was said, that it ought to excite

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the admiration of the world, they have been buoyed up by the thought that in some special way this territory which they have so wonderfully improved would justify the title of a National Home.

Hitherto the immigration of the Jews has been governed by the limits of what has been called "economic absorptive capacity". I am told that if immigration for the next five years is confined to the limits of the White Paper, it will only reach about one half of the possible economic absorptive capacity of the country, and then it is to cease altogether when the numbers reach one-third of the total population, unless the Arabs are prepared to acquiesce in an extension. If the Arabs were willing to allow an extension over that one-third of the population, another of the wonders of the world would have occurred. The position is, therefore, that the Jews are reduced to the status of a permanent minority in a preponderatingly Arab State. After all their hopes, they shall return in their National Home to that minority status which has been their lot through long centuries in every part of the world.

I venture to think that it was precisely from this permanent minority status that they had hoped to escape. They had hoped that in one place upon this earth this people of something like sixteen and a half millions might have a sphere of their own, ~~where they would show what was in them, where they would be masters of their own~~, where they could show what was in them, where they could be masters of their own destiny and affairs, and where there could be a centre of Jewish life, culture, and influence throughout the world. If they have, for obvious reasons, thrown very special emphasis upon numbers, I believe that in their hearts what Zionists have desired more than anything is that they should get their freedom from this minority status. Now, I have to repeat, they are given the prospect that the minority status will be permanent, and whatever a National Home may have meant - we all know how many interpretations are put upon it - it surely cannot have meant that. It surely must have meant that somewhere in Palestine there would be a place where the Jews would be able to fulfil their aspirations, in some territory in which they had some autonomous control.

I have always had the greatest possible sympathy with the Arabs. I am bound to say that those who have been in Palestine cannot but have that sympathy. It is very widely felt in this country. I recognise the force of their claims upon it, and of their fears, but I feel bound to quote to your Lordships some words spoken in this

(x) Parliamentary Debates, House of Lords, May 23rd, 1939

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House in 1923 by Lord Milner, at the very time when he professed himself in favour of a pro-Arab policy. I quote them as showing that it is not possible to regard the Arabs as those to whom a predominating influence in the future of Palestine should be entrusted. Lord Milner said:

> "Palestine can never be regarded as a country on the same footing as the other Arab countries. You cannot ignore the fact that this is the cradle of two of the great religions of the world. It is a sacred land to the Arabs, but it is also a sacred land to the Jew and the Christian, and the future of Palestine cannot possibly be left to be determined by the temporary impressions and feelings of the Arab majority in the country of the present day."

Then, I submit, it is still less reasonable that it should be determined by a permanent Arab majority in a single future Palestinian State.

I am well aware of other reasons, of another kind, which lie apparently behind these proposals, and which have led the Government to be particularly careful lest they should offend Arab susceptibilities. I recognise the force of those reasons. I think they may be exaggerated, but at last I cannot think they are sufficient to justify what seems like very scant justice to the Jew. I could not myself use the language which came very bitterly from the lips of that most remarkable man Dr. Weizmann that this White Paper is a breach of faith. I am quite certain His Majesty's Government themselves have no kind of consciousness that this is the fact, and I am sure it certainly was not in their minds, but can we be surprised that Dr. Weizmann and his comrades regard it almost as taking back all that had been promised? Certainly they feel it so strongly that it is useless to dismiss from our minds that resistance to these proposals on the part of the Jewish community in Palestine will be obstinate and bitter.

The Jewish Case against the White Paper

The Jewish case against the White Paper was authoritatively expressed in a letter *) sent by the President of the Jewish Agency to the High Commissioner for Palestine on May 31st, 1939, with the request that its representations be forwarded, in the usual manner, to the Permanent Mandates Commission for consideration at its forthcoming ~~session~~ session in June. Basing its argument on the Preamble to the Palestine Mandate which, after quoting the Balfour Declaration in full, accords "recognition ... to the historical connection of the Jewish people with Palestine, and to the grounds for reconstituting their national home in that country", the Agency

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was, as in 1930, constrained to point out that "the White Paper in effect abrogates (that) recognition ..... of the special status of the Jewish people as a whole in relation to Palestine, and takes into account, as far as Jewish rights and interests are concerned, only those Jews already established in Palestine". In sum, the new policy was in direct contradiction to the whole trend and purpose of the Mandate. Particular exception was taken to the glaring omission of any reference to the special position, under the Mandate, of the Jewish Agency as a body representing the Jewish people and authorised to advise and cooperate with the Government in all matters affecting the interests of the Jewish National Home. Instead of this, the White Paper provided that "in determining Palestine's future Government, parties are to be consulted who have, under the terms of the Mandate, no locus standi whatsoever in relation to that country - namely, representatives of the neighbouring Arab States, with the result that "the consultation with the Jewish Agency enjoined by the Mandate is replaced by a one-sided consultation with the Arab States."

Turning to the first of the specific issues raised in the White Paper, namely, the constitution of the future Palestine State, the Jewish Agency pointed out that His Majesty's Government's pious refusal to make the Arab population of Palestine "subjects of a Jewish State against their will", far from justified their intention "of making the Jewish population the subjects of an Arab State against <u>their</u> will", for, by whatever tortuous means this might be explained away, "a State in which the Arabs will per-

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x) Political Report of the Executive of the Jewish Agency, XXIst Zionist Congress, Geneva, 1939. Appendix XII, pp. 112 - 113.

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manently out number the Jews by two to one may properly be regarded, for all practical purposes, as an Arab State."

The safeguard that the constitution of the future Palestine State shall include "adequate provision ..... for the special position of the Jewish National Home" was dismissed as worthless - "Experience of minority guarantees has made abundantly clear the inadequacy of any constitutional safeguards where the majority in power chooses to disregard them."

The grounds for the pricipitate decision to establish an independent Arab State of Palestine were likewise demonstrably contrary to the letter and spirit of the Mandate. These grounds were that (1) the Mandatory is charged with "securing the development of self-governing institutions", and (2) that it would be "contrary to the whole spirit of the Mandate system" if the population of Palestine remained "for ever under mandatory tutelage". As regards the first, it was sufficient to point out that the provision for the development of self-governing institutions was preceded, in Article 2 of the Mandate, by the obligation to place "the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the Preamble." These provisions were, obviously, not two distinct and mutually contradictory pledges to the Arabs on the one hand and the Jews on the other. The reference to self-governing institutions, which was "inserted as a direct corollary of the provisions regarding the Jewish National Home", could not, therefore, be used to invalidate the latter. In any case, "all (Article 2) provides for is the development of self-governing institutions (in the plural) in Palestine, and not the conversion of Palestine into an independent State."

As to the second ground, the Jewish Agency took exception "to the facility with which the White Paper draws a specific conclusion as regards Palestine from the whole spirit of the Man-

date system." They declared that "it cannot be sufficiently emphasised that the Palestine Mandate was intended to be, and actually framed as, a mandate sui generis". In contradistinction to the other A Mandates - Iraq, Syria and the Lebanon - whose object was, and wherein express provision was made for, the ultimate independence of these territories, "the Palestine Mandate contained no 'independence clause' ... According to the Royal Commission "the primary purpose of the (Palestine) Mandate, as expressed in its Preamble and its articles, is the establishment of the Jewish National Home". This was not to say that the Palestine Mandate must continue forever, but it was

> "reasonable to argue that the Palestine Mandate cannot properly be terminated until the Jewish National Home is firmly established, (x) and that if an emergency arises calling for an early termination of the Mandate, it should be succeeded by such a regime as would secure the fulfilment of that purpose in the future.
>
> If the Jewish Agency be asked what, in its view, is the test as to whether the Jewish National Home has been established, its answer would be that the Jewish National Home can only be regarded as established when its growth and development can securely continue without the assistance of the Mandatory. Whis was, indeed, the approach of the Royal Commission to the problem of the termination of the Mandate, when it sought a solution along the lines of the establishment of two independent States. His Majesty's Government, in accepting the Royal Commission's recommendations, showed its understanding of the necessity for securing the fulfilment of the original purpose of the Balfour Declaration and the Mandate, and for providing for the future growth of the National Home, by indicating the following three advantages of the scheme from that point of view:
>
> (i) The Jewish Nation Home would be freed from the possibility of ever being subjected to Arab rule;
> (ii) The Jews would cease to lead a minority life;
> (iii) The Jewish National Home would become a Jewish State with full control over immigration.
>
> The present scheme nullifies all these objectives. It subjects the Jewish National Home to Arab rule; it perpetuates the Jewish minority position; it places Jewish immigration at the mercy of the Arabs. In short, it envisages the termination of the Mandate by jettisoning its primary purpose."

Similar critical analysis was made of the legal hair splitting which purported to enable His Majesty's Government

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to construe their obligations to "facilitate Jewish immigration under suitable conditions and ... encourage, in co-operation with the Jewish Agency .... close settlement by Jews on the land" (Article 6 of the Mandate for Palestine), as "the admission .... of some 75,000 Jewish immigrants over the next five years" and its total prohibition thereafter "unless the Arabs of Palestine were prepared to acquiesce in it", and the prohibition and regulation of transfers of land to Jews. On the question of immigration, after demonstrating that the Government's policy was in direct contradiction to their Mandatory obligations, the memorandum continued

> "The Jewish Agency submits that is of the essence of the conception of the National Home that it should be a place to which the Jews can come back, provided that objective considerations permit their return. A 'National Home for the Jewish people' loses its meaning the moment the entry of Jews is forbidden save with the permission of the Arabs. The test of the Jewish National Home must therefore be the effective possibility for any Jew who is able to settle in it without causing injury to others, to do so as a matter of right. The emphasis placed by the White Paper of 1922 on the fact that the Jews are in Palestine 'as of right' obviously extends to their right of entry. This is fully recognised by the insistence in that White Paper that 'for the fulfilment of this policy it is necessary that the Jewish community in Palestine should be able to increase its numbers by immigration'. But the present Statement of Policy, while apparently admitting that the present Jews of Palestine are there as of right, proceeds immediately to deny the right of entry to Jews who are not yet there. It therefore undermines the basis of the right of the existing Jewish population, and shatters the whole conception of the Jewish National Home".

The Agency contended that the sole possible limiting factor to the obligation "to facilitate Jewish immigration under suitable conditions" could be the application of the economic absorptive capacity principle which had been laid down in the 1922 Churchill White Paper. This principle had been endorsed by the Permanent Mandates Commission, and subsequently confirmed by His Majesty's Government in the Mac

donald Latter in 1931 and on other occasions. No departure from this principle was justified under the terms of the Mandate - "in effect to tamper with the principle of economic absorptive capacity was to tamper with the position of the Jews in Palestine of right'". But, "whatever construction may be put on the obligation 'to facilitate Jewish immigration under suitable conditions', it could by no means be reconciled with the grant of authority to the Arab population to decide whether Jewish immigration was to continue or not". This, patently, meant that the entry of Jews into Palestine would cease altogether - in violation not only "of an express and vital injunction of the Mandate, but. ... a step contrary to the very essence of the Mandate as a whole".

His Majesty's Government proposed land policy, namely, the prohibition of land transfers to Jews in some areas of the country and its regulation in others, would mean "the introduction into the legislation of Palestine of measures based upon racial discrimination as between Jews and non-Jews, thus constituting an infringement of Article 15 of the Mandate, which provides that "no discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language." Furthermore, it would curtail the territorial scope of the National Home - already cut down by the closing of Transjordan to Jewish settlement - and, "by withholding from Jewish development

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x) The accredited British Representative (Mr Grasty-Gore) at the 32nd Session of the Permanent Mandates Commission in 1937 had even gone further. When asked if the Balfour Declaration was still the policy of the British Government, he replied that "He had certainly no intention of conveying the impression that the Balfour Declaration was not still a binding obligation on both the League and the United Kingdom. Obviously, like the Mandate, it was still a binding obligation, and would remain so until replaced by an independent Jewish State." (Minutes, p. 182)

See p. 36

even areas of "uncultivable" land which may be included in areas of the country where Jewish settlement is to be prohibited, it would seriously hamper the agricultural development of the country as a whole". The Government's supposed concern for the landless Arab cultivator was dismissed as hypocritical - "the proposal to relegate the Jews to a Pale of Settlement in the country of the Jewish National Home has a political, and not an economic object".

The Jewish Agency Statement concluded by casting doubt on the official explanation for the new policy and expressing alarm at its possible consequences:

> "The practical reason given in paragraph 13 of the White Paper for this liquidation of mandatory obligations is that their continued operation would necessitate the use of force, to which His Majesty's Government object; They will relinquish rather than enforce mandatory obligations. But His Majesty's Government can hardly have overlooked the fact that this conclusion represents the triumph of force. In the light of the experience of the last three years, it must appear to the Arab terrorists as premium on their campaign of violence, and to the Jews as a penalty on their self-restraint. Further, if the exercise of such force as may be indispensable for the discharge of mandatory obligations appears to His Majesty's Government to be so objectionable that those obligations have to be abandoned, they will no doubt be aware of the far reaching implications of this attitude as regards their whole position in Palestine. As British authority is founded on the Mandate conferred upon and accepted by Great Britain on the basis of certain obligations, the repudiation of those obligations deprives British rule in Palestine of its moral justification.. Force, has, moreover, been used to prevent Jews entering Palestine; it may have to be used on an even greater scale in the future if the policy outlined in the White Paper is to be carried out in full. If it is the case that the use of force is inescapable, whatever course His Majesty's Government propose to steer, the Jewish Agency would submit that it is the justice of the obligations undertaken and the injustice resulting from their abrogation, that should decide the issue, and the Agency cannot agree that what was just when the Balfour Declaration and the Mandate were issued, has become unjust today."

The 1939 White Paper before the Permanent Mandates Commission.

Having secured the grudging endorsement of the Houses of Parliament for their new Palestine policy, the British Government now sought the approval of the Permanent Mandates Commission of the League of Nations at its Thirty-sixth, and last, Session held at Geneva between June 8th and 29th, 1939. In spite of their manifest determination to abide by

this policy whatever the League might say about it - even to the extent of demanding a revision of the Mandate if this should prove prove necessary - His Majesty's Government paid the Commission the compliment of sending the Colonial Secretary, Mr Malcolm Mac Donald, in person to defend their case. Mr Mac Donald, in a lengthy disquisition replete with fine legal quibbles, endeavoured to prove that the White Paper and the Mandate for Palestine were compatible in all respects; that the Mandate contained specific pledges to the Arabs no less than to the Jews; and that, after twenty years of implementing the mandatory provisions in favour of the Jewish National Home, His Majesty's Government were now entitled to consider that task accomplished; they were therefore justified in "shifting the emphasis" to the Arabs and so to treat the safeguard that the civil and religious rights of the non-Jewish population of Palestine would not be prejudiced by the establishment of the Jewish National Home as the primary obligation of the Mandate. In support of the latter argument he resuscitated, after seventeen years of silence, the declaration made by Commander Hogarth on behalf of the British Government to King Hussein of the Hedjaz that the Balfour Declaration meant that no people in Palestine would be subject to another - which, apparently, meant that the people to whom the National Home was promised were to be made subject to those whose civil and religious rights were to be preserved in the status quo ante. Furthermore, he claimed that the independence of the Arabs was provided for by Article 22 of the League Covenant .

Mr Macdonald's statement was received by the Mandates Commission with interest, but with little enthusiasm. At one point, the Vice-Chairman, Professor Rappard, felt compelled to draw at-

tention to the fact that "the Mandates Commission was entrusted with a very difficult task..... The Commission had always done its best to approve the efforts of the Mandatory Power, and had been almost acrobatic in its attempts to agree with the fluctuations in the latter's policy. " x) This time, however, matters had gone beyond the possibility of approval. In their observations on the Policy laid down in the White Paper of May, 1939, xx) the Commission reported:

9. From the first, one fact forced itself to the notice of the Commission -- namely, that the policy set out in the White Paper was not in accordance with the interpretation which, in agreement with the Mandatory Power and the Council, the Commission had always placed upon the Palestine Mandate.

In order to prove this, it will be enough to say that, only two years ago, the Government of the Mandatory Power declared, in the Statement of Policy which accompanied the report published by the Royal Commission, that the present Mandate was unworkable. In view of this, the Mandates Commission communicated to the Council its opinion that a Mandate which was declared unworkable the Mandatory Power almost became so by that very fact.

10. In 1937, there was already a conflict between Jewish and Arab aspirations, which the United Kingdom Government admitted its inability to reconcile: that conflict was the principal obstacle to Palestine's being administered in accordance with the Mandate. Since that time, the conflict has become more and more intense. In 1937, the United Kingdom Government, feeling itself unable equitably to administer Palestine under the present Mandate, believed that the possibility of so doing was to be found in a territorial partition for which no provision was made therein, while today it considers its new policy to be in accordance with the Mandate. Does this not show that that instrument had at that time a different meaning in the eyes of the Mandatory Power than that which it has today?

11. The Commission did not, however, confine itself to establishing this single fact. It went on to consider whether the Palestine Mandate might not perhaps be open to a new interpretation which, while still respecting its main principles, would be sufficiently flexible for the policy of the White Paper not to appear at variance with it. The Commission was all the less reluctant to raise this question since, according to the Mandatory Power, no such contradiction existed. The Commission learned from the Secretary of State for the Colonies that the Mandatory Power considered, on the strength of the opinion expressed

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x) Minutes of the Thirty-Sixth Session of the Permanent Mandates Commission, June 1939, p. 105

xx) Ibid. p. 275

by its legal advisers that, in view of the changed situation, the policy which it proposed to pursue was in agreement with the Mandate, itself based on Article 22 of the Covenant and on the Balfour Declaration.

12. During the examination of this latter question, divergent views were found to exist amongst the members of the Commission.

13. In view of these divergencies, and of the resultant inability of the Commission to submit on this point conclusions which would be both definite and unanimous, it can only refer the Council to the Minutes of its meetings for an account of the individual views of its members.

14. As will be seen therein, four of the latter did not feel able to state that the policy of the White Paper was in conformity with the mandate, any contrary conclusion appearing to them to be ruled out by the very terms of the mandate and by the fundamental intentions of its authors.

15. The other members, three in number, were unable to share this opinion: they consider that existing circumstances would justify the policy of the White Paper, provided the Council did not oppose it.

16. All the members agree in thinking that the considerations put forward in the report of the Royal Commission of 1937 and in the preliminary opinion presented by the Mandates Commission in August of the same year have not lost their relevance: the solutions envisaged in these two documents (excluding the setting-up of two independent States withdrawn at the outset from mandatory control) should be borne in mind at the appropriate moment.

It will be noted that the Permanent Mandates Commission came to two unanimous conclusions: (1) that the White Paper policy was at variance with the interpretation which had been placed on the Palestine Mandate ever since its approval in 1922, and (2), that the plan for partition which had been proposed by the Royal Commission in 1937 and accepted by His Majesty's Government in the same year was worthy of further consideration. By a majority of four to three, the Mandates Commission also found that the White Paper was not in accordance with any possible interpretation of the Mandate. The minority consisted of the representatives of Great Britain (Lord Hankey), who had been appointed to the Commission one month previously, France (M. Giraud), which had troubles of her own in her Lebanese and Syrian Mandates, from where the Arab disturbances in Palestine were being directed by the Mufti at his Damascus headquarters, and Portugal (Count de Penha Garcia), Bri-

tain's oldest ally. The majority consisted of the Chairman, M. Orts of Belgium, the Vice-chairman, Professor Rappard of Switzerland, Baron van Asbeck of Holland, and Mlle Bugge-Wicksell of Norway. Excerpts of the opinions of the latter are reproduced below:

> M. ORTS: The 1939 Statement of Policy announced (paragraph 10, sub-paragraph (6) that, if at the end of ten years it appeared to His Majesty's Government that circumstances required the postponement of the proposed independent State, the Government would then consult with representatives of the people of Palestine (that appeared to be a politic step), with the Council of the League of Nations (that went without saying), but also with the neighbouring Arab States. It was thus formally admitted that the Arab States, although foreign to the affairs of Palestine, were to be consulted regarding the advisability of the pursuit, in Palestine, of a certain policy by the mandatory power. The fact of consulting anyone meant that a right of intervention in the matter was recognised as attaching to that person. Whence had the Arab States derived such a right? By formally recognising that right, was not a further obstacle being placed in the way of a solution which was already beset by so many difficulties? x)
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> Was not consent to the establishment of a Jewish National Home in Palestine the price -- and a relatively small one - which the Arabs had paid for the liberation of lands extending from the Red Sea to the borders of Cilicia on the one hand, Iran and the Mediterranean on the other, for the independence they are now winning or had already won, none of which they would ever have gained by their own efforts, ~~and for all of which they would ever have gained by their own efforts~~, and for all of which they had to thank the Allied Powers and particularly the British forces in the Near East? There were other peoples who, because they had failed to win independence by their own efforts, had paid for their independence by far heavier sacrifices, and in regard to whom the conscience of the world had nevertheless not been touched, even though the sacrifice demanded was not in any way designed to relieve another people whose fate deserved equal attention. xx)

He would give his colleagues his opinion "without beating about the bush!"

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x) Ibid., p. 123
xx) Ibid., p. 124

To his mind, the Mandatory Power's proposed policy for Palestine was contrary to the Mandate. In support of that conviction he could not do better than repeat the evidence already supplied by those of his colleagues who had come to the same conclusion. He associated himself with their arguments, and the Commission would excuse him if he refrained from expressing them again and reviewing once more the various chapters of the White Paper which dealt with the proposed constitution, the decisions regarding immigration and land sales. xx)

To affirm its respect for the engagements arising out of the embodiment of the Balfour Declaration in the mandate, and at the same time to affirm the conformity with the mandate of a policy, the avowed object of which was to restrict the effects of the Balfour Declaration and within a short time to fix them at their present stage, was to adopt a position which was not easy to defend, and of which the defence might before long be abandoned. Anyone dealing with Palestine today had to choose between taking his stand on the mandate or taking it on political grounds.

For his part the Chairman declined to find any opposition between the "spirit" of the Covenant and the terms of the mandate. He saw no contradiction between these two texts, which for seventeen years had constituted the law that the Commission had applied to the case of Palestine. Lastly, he would refuse to interpret the mandate in the light of a document (the Hogarth message) of which a great deal had recently been made, and which the League of Nations, a party to the international Convention which the mandate constituted, was unaware of it when it conferred the mandate - not to speak of the Mandates Commission, which had been kept in ignorance of it during the whole time it had been supplying reports on the administration of Palestine, the conclusions of which were generally accepted by the Council.

... Excluded, from the very outset, by the detachment of Transjordan, from a part of the lands promised to it, limited juridically in its development by the recognition of the principle of the twofold obligation, and obstructed at its very source by the temporary suspension of the application of the criterion of economic absorptive capacity and later by the substitution of a political criterion, the Jewish National Home in an independent State with a permanent Arab majority would see its destinies placed in the hands of a race which could not forgive its existence. xxx)

The Mandates Commission could not be expected to consent

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xx) Ibid, p. 206
xxx) Ibid, p. 206

to any such step, which would amount to a denial of the whole of its past history and a reversal of its decisions. It was necessary to reflect: the argument of necessity - of the necessity of satisfying the majority -- might lead very far. xxxx)

M. RAPPARD: x)

..... Not only was the obligation to establish and maintain a Jewish National Home not recognised (in the White Paper) as a primary obligation, but Jewish and Arab interests did not appear to be considered as being on an equal footing as a matter of right.

The object of the White Paper was to appease the Arabs in the hope that such appeasement might enable the Jews to maintain their National Home more or less at the stage of development it had reached today after seventeen years under mandate.

.... In the matter of immigration in the first place, the Mandates Commission would be going back on its own decision if it were to state that the policy enunciated in the White Paper was in conformity with the mandate. WHEN two years previously the mandatory Power had declared that it was ceasing, for the time being, to apply the criterion of economic absorptive capacity, the Mandates Commission had regarded that as a suspension of the Mandate, justifiable only as a provisional measure in view of the prevailing political crisis in Palestine. But it was important to note that it was proposed to apply immediately and for an indefinite period the policy enunciated in the present White Paper.

The limitation of Jewish immigration in accordance with a political criterion was intended to appease the Arabs. The clause which subordinated all Jewish immigration, after a period of five years, to the tacit acquiescence of the Arabs could not be understood otherwise....

.... But how could that be regarded as other than an infringement of the positive obligation on the mandatory Power to "facilitate" Jewish immigration? Jewish immigration, moreover, had never received any positive encouragement, though, hitherto, in normal times it had been permitted within the limits of economic possibilities. It was now proposed first of all to restrict it for political reasons, then, in point of fact - for it would be idle to entertain any illusions as

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xxxx) Ibid. p. 207
x) Minutes, p. 199

to Arab acquiescence - to stop it completely. In M. Rappard's opinion, it was impossible to reconcile the views of the Mandatory Power and the requirements of the Mandate on that point.

Nor did they appear any more compatible so far as the land system was concerned. The Mandate imposed the obligation to encourage close settlement by Jews on the land. Was it encouraging settlement to restrict and even forbid the acquisition of land by Jewish settlers?

In the third place, it was difficult to express an opinion on the Constitution which would be given to the country, for it had not yet even been outlined; two points could, however, already be noted with regard to it. The first was that the Constitution was to be framed during a period in which, in accordance with the wishes of the Mandatory Power, the Arabs would possess a numerical preponderance over the Jews of two to one.

... The Mandatory Power was contemplating the substitution of independent government for its own guardianship after it had so exercised the latter as to ensure an Arab majority in perpetuity. If, during the final period of the Mandate, the balance were not held equal by the Mandatory Power between the Jewish element and the Arab element, was it not certain that, as soon as the country acquired independence, the Jewish National Home would be sacrificed to the hostility of the Arab majority?

M. Rappard must therefore answer the Chairman's question (whether the policy outlined in the White Paper of May, 1939, was, or was not, in conformity with the terms of the Mandate) very definitely in the negative.

BARON VAN ASBECK: ... Both the Mandate and the Balfour Declaration contained one paramount obligation - namely, the foundation of a Jewish National Home. That was the primary purpose of the Mandate as outlined in its preamble. M. van Asbeck was, therefore, disinclined to agree with the way in which paragraph 2 of the White Paper presented the "three main obligations", and demurred to the rather subordinate place allotted to the really paramount obligation. The novel feature of the Balfour Declaration of 1917 was that, for the first time, it gave an official promise of British assistance and the realisation of Zionist aspirations, which could be summed up in the phrase that the Jews would cease to be a minority in one part of the world. It was therefore quite natural that British and Allied statesmen should, in the first years after the Declaration, have talked about the future Jewish "commonwealth" foreshadowed in the Balfour Declaration.

The Mandatory Power therefore had one main obligation - the establishment of the Jewish National Home, one subordinate obligation - protection of the civil and religious rights of the non-Jewish peoples in Palestine, and two auxiliary obligations - to facilitate immigration and colonisation; and the then main obligation, though as such dethroned, was still nowadays a chief obligation, otherwise the subordinate obligation and Article 6 of the mandate were deprived of sense.

Some doubt had arisen as to the meaning of the expression "civil and religious rights" in Article 2 of the mandate. Under the Balfour Declaration and the circumstances in which it was given, that ex-

pression could only be interpreted to mean minority rights as laid down in the minority treaties of the nineteenth and twentieth centuries - in other words, a guarantee that the minority community would have the same treatment and security as a majority. Indirect confirmation of that view would be found in a definition which the Permanent Court of International Justice had given of the word "community" x) , a word used in the Balfour Declaration and in Article 2 of the mandate. That definition read

> "By tradition, which plays so important a part in eastern countries, the 'community' is a group of persons living in a given country or locality, having a race, religion, language and traditions of their own and united by this identity of race, religion, language and traditions in a sentiment of solidarity, with a view to preserving their traditions, maintaining their form of worship, ensuring the instruction and upbringing of their children in accordance with the spirit and traditions of their race and rendering mutual assistance to each other".

In that definition of a community there was no reference to political rights, but only to personal liberty of worship, opinion, etc.

The words "rights and position" in Article 6 of the mandate surely referred to the economic position, seeing that the French text used the word "situation", which he thought had an economic connotation, and Article 6 itself being economic in character.

> ..... The Churchill White Paper was the result of consultations between the prospective Mandatory Power and the two most important sections of the population of Palestine and, on its basis, the Mandate was confirmed by the League of Nations... In fact, it was the authentic comment on the Mandate, which was then drawn up, and had ever since been considered as such by the League of Nations. From 1922 until the Statement of Policy of 1937, the Mandate had been operated on the basis of the Churchill White Paper - namely, that the Jewish National Home would increase, but it should increase only in proportion to the economic absorptive capacity of the country. Thus the eventual creation of a Jewish State had not yet been precluded, as Mr. Churchill himself had testified in 1937 before the Royal Commission.

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Another significant feature in the shifting of emphasis from the Jews to the Arabs - was the shifting from the primary obligation to the subordinate, or secondary obligation, as the Royal Commission described it. And it ought to be borne in mind that the effect of that change in emphasis would be irrevocable; there could be no going back. M. van Asbeck submitted, therefore, as his conclusion, that the emphasis had originally been on a Jewish National Home, whose population would be increased in proportion to the economic

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x) See advisory opinion of July 1st, 1930, on the question of the Greco-Bulgarian communities (Series B, No. 17), page 21.

absorptive capacity of the country. The new emphasis subordinated that increase, after five years, to the final consent of the party most bitterly opposed to the National Home itself. Instead of the economic absorptive capacity of the country being the criterion for immigration, the political factor would then come into operation. That seemed to M. van Asbeck a "new interpretation" and one which conflicted with what Mr Churchill had said in his 1922 White Paper. It could not really be maintained that there was merely a shifting of "emphasis". In fact, there was a new interpretation, and one based on data unknown to the Mandates Commission and to the Council of the League x)

The new provisions concerning immigration were not in conformity with the Mandate of 1922, which placed the Mandatory Power under the obligation to facilitate immigration, or the commentary of Mr Churchill, which laid down the rule of economic absorptive capacity. Further, the Mandatory Power proposed, according to the 1939 White Paper, to subordinate Jewish immigration to the consent of the Arabs after a period of five years, which really meant stopping such immigration, by adopting a political standard of which there was no mention in the 1922 White Paper.

.....It must be acknowledged that to limit the possibilities of purchase of land by Jews and to do away with such possibilities completely should occasion arise in certain parts of the country was not to "encourage" close settlement by Jews on the land. xx)

The mechanism for which provision had been made (in the White Paper) was based on the idea that the Arabs' interest in becoming independent was counterbalanced by the Jews' interest in ~~xxxxxxx~~ ensuring the existence of their National Home. The Arabs would not be able to acquire their independence (after ten years) unless the Jews consented (paragraph 8 of the Statement of Policy), and Jewish immigration would not be able to continue after a period of five years without the (tacit) acquiescence of the Arabs (paragraph 14 (3) of the Statement of Policy). It shouldbe noted that provision had been made for two different periods: on the one hand, there was a ten-year period, at the end of which, at the most favourable estimate, independence could be declared, and, on the other hand, a period of five years, at the end of which Jewish immigration could be stopped. Under such ~~xxxxxxx~~ arrangement, even if the independence of Palestine could not be recognised, Jewish immigration would already have been interrupted for at least five years and could never be resumed without the acquiescence of the Arabs. Under those conditions, it was difficult to imagine how the Jewish National Home could be safeguarded. In reality, in that respect, the

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x) Minutes, pp. 114 - 116
xx) Minutes, p. 201

tendency of the new policy seemed to be theo place the Jews at a disadvantage and to endanger the existence of their National Home. Was that in keeping with the Mandate? x)

MLLE. DANNEVIG:

Mlle. Dannevig stated that, in regard to Jewish immigration, the changes proposed by the Mandatory Power in the policy hitherto followed did not appear to her to be in keeping with the terms of the Mandate, because their effect would be to prevent the promised immigration by an arbitrary act - namely, the application of a political criterion. On that point, it had already been observed by the Mandates Commission that the application of a political criterion could only be accepted as a temporary measure.

Furthermore, after a period of five years, the Mandatory Power proposed, in its White Paper, that no further Jewish immigration should be authorised unless the Arabs of Palestine were prepared to acquiesce in it. That second obstacle to Jewish immigrationwas also, in her opinion, in contradiction with Article 6 of the Mandate.

Inregard to the land question, if the High Commissioner were given general powers to prohibit and regulate transfers of land, and if he used these powers in certain parts of Palestine, no-one could say that the promise to encourage the close settlement by Jews on the land had been fully carried out; and there again the White Paper was at variance with the Mandate.

It was difficult to pass judgement on the future constitution which, according to the White Paper, was to be given to Palestine, but which was hardly yet sketched out; she did not, however, see how, in a State with democratic forms, the Jews, who would be far fewer in number than the Arabs would be able to assert themselves.politically. xx)

The Application of the White Paper

Owing to the outbreak of war a little over two months after the close of the Mandates Commission's session, the Council of the League had no opportunity to pass judgement on the White Paper and the Commission's report thereon. It was confidently held, however, that the unfavourable nature

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x) Minutes, p. 202
xx) Minutes, p. 196

of this report and the absence of any international sanction for the new policy, coupled with the defect of the appeasement policy which had produced it, would combine to deter the Government from putting their plan into effect. This confidence was rudely shaken. Notwithstanding the desolation and slaughter which the Nazi invasion had brought upon the Jews of Eastern Europe, His Majesty's Government, in the midst of their grave preoccupations with the conduct of the war, spared no effort in its attempt to crush the Jewish National Home, which, by then, had become the focus of the hopes of hundreds of thousands of tortured human beings. The first attack was made on Jewish immigration: In July, 1939, Mr Malcolm MacDonald announced in the House of Commons that the immigration quota for the six months ending September, 1939, would be drastically reduced, on the grounds that a considerable number of 'illegal' immigrants had succeeded in filtering through the frontiers of Palestine; while that for the period October 1939 - March, 1940 would be cancelled completely in view of the anticipated arrival of a further 4,000 immigrants in this undesirable category. The next step was the implementation of the restrictive land settlement provisions of the White Paper. It will be recalled that the White Paper gave the High Commissioner "general powers to prohibit and regulate transfers of land" which were to take effect from the date of its publication on May 17th, 1939. On June 28th, an Order in Council was promulgated giving the High Commissioner the necessary powers, notwithstanding the Mandates Commission's criticism of the "extraordinary haste" which had led the British Government to present them with a "fait accompli".[x] The Order in Council

x) Ibid. p. 135

did not prescribe any limits within which land transfers to be prohibited or regulated, but its general effect was to confine Jewish purchases to those areas of the country where considerable settlement had already taken place. The areas were defined in the Land Transfers Regulations promulgated on February 28th, 1940, x) and the second object of the White Paper, to crystallise the physical size of the Jewish National Home at its then stage of growth, was finally accomplished.

The Land Transfers Regulations

The Land Transfers Regulations of 1940, which, according to the opinion of the British Government contained in a letter to the Secretary-General of the League of Nations, were "in no way inconsistent with the provisions of the Mandate", divided Western Palestine into three Zones:

Zone A, in which the transfer of land to a person other than a Palestinian Arab was prohibited, consisted of "the hill country as a whole, together with certain areas in Gaza and Beersheba sub-districts where", in the opinion of the High Commissioner, "the land available was already insufficient for the support of the existing population". The area of this Zone is 6,415 square miles or 63.1 % of Western Palestine's total land area (exclusive of lakes) of 10,157 square miles. Land in Jewish ownership in this prohibited zone comprised 80,500 acres, or 1.4 % of the total, of which approximately 20,000 acres was included in the Palestine Potash Company's Dead Sea concession and unavailable for agricultural use. Over

x) Cmd. 6180

one-third of the area of the prohibited zone (approximately 2190 square miles) was good agricultural land in the Northern Negev largely uncultivated by its 60,000 Beduin inhabitants.

Zone B, in which the transfer of land to a person other than a Palestinian Arab would ordinarily be prohibited unless it could be shown that the piece ofland in question was required " (1)for the purpose of consolidating, extending or facilitating the irrigation of holdings already in the possesion of the transferee or of his community, the land to be transferred being contiguous to such holdings; or (2) for the purpose of enabling land held in undivided shares by transferor and transferee to be parcellated; or (3) in furtherance of some special scheme of development in the joint interest of both Arabs and Jews to which the Government may have signified its approval", consisted of "the plains of Esdraelon and Jezreel, Eastern Galilee, the Maritime plain between Haifa and Tantura and between the southern boundary of the Ramleh sub-district and Beer Tuviya, and the southern portion of the Beersheba sub-district (the Negev)" The area of this zone is approximately 3,225 square miles, or 31.8 % of the total area of western Palestine. Land in Jewish ownership in the restricted zone comprised 130,617 acres (approximately 204 square miles), or 6.3 % of the total. Over four-fifths of the area of the restricted zone (approximately 2650 square miles) was situated in the arid, practically unpopulated desert of the southern Negev.

The "Free" Zone, in which transfer of land was unrestricted, consisted of "all the municipal areas, the Haifa industrial zone, and, roughly speaking, the maritime plain between Tantura and the southern boundary of the Ramleh sub-district." The area of this zone is about 520 square miles, or 5.1 % of

the total area of the country. Land in Jewish ownership in the free zone comprised 170,000 acres (about 266 square miles) or 51 % of the total. The balance, 254 square miles, which was all that remained open to Jewish land purchase without legal restrictions, formed 2.6 % of non-Jewish land in Palestine and was inhabited by 48,000 Arabs.

A Jewish Agency Report analyses the measure as follows:

> In the official explanations given by the Government for these regulations, it was invariably stated that their purpose was to protect the Arab peasantry from displacement. The terms of the Regulations, however, clearly disprove this assertion. If their aim had been to prevent the Arab cultivators from being driven off their land, one would have expected the Regulations to be confined essentially those areas where Jews already possess considerable land holdings and not to apply to those where Jews owned no land or only small holdings. Actually the reverse is the case. It is precisely in the zones where the Jews so far own not more than 14 % of the total that all further transfers are completely prohibited while in the zone where they possess 63 % of the total, each new purchase is subject to Government's special approval. On the other hand, in that part of the country where Jews own already 51 % of the land, they are free to purchase more land. This clearly shows the purpose of the Regulations is not to protect the economic interests of the Arab peasantry, but to limit the zone of Jewish settlement to that small area where Jews now predominate, in other words, to deny them access to the bulk of Palestine. x)

Jewish Agency Statement.

In a lengthy communication addressed to the High Commissioner by the Jewish Agency, it was pointed out that the Land Transfers Regulations were incompatible with those provisions of the Mandate which obliged the Mandatory to place the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home (Article 2), to encourage, in cooperation with the Jewish

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x) Political Report of the Jerusalem Office of the Jewish Agency for Palestine to the Twenty-Second Zionist Congress, Basle, 1946. pp. 16 - 17.

Agency ... close settlement by Jews on the land (Article 6), and to ensure that "no discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language" (Article 15).

> As regards the economic arguments advanced by the Government in defence of the measure, the Jewish Agency contended "that the greater part of the land of Palestine is still not cultivated; that the development of their holdings by the Arabs was rendered possible largely by the sale of part of their land to Jews; that precisely in those areas where Arabs sold some of their land to Jews the economic position of the Arabs was improved, while in the areas where this was not the case the situations of the rural population has remained stagnant and a considerable proportion of the land lies waste". The Jewish Agency further referred to the statement made by the Arab Delegation at the time of the London Conference of 1939, in which the latter had admitted that of a total area of 27,000,000 dunams, some 19,000,000 were not cultivated by Arabs and were regarded by them as uncultivable. The acquisition and development of these large areas would now be prohibited on the pretext that there was a shortage of land for Arabs. The Jewish Agency, furthermore, insisted that the effect of the measure would be to limit Jewish settlement to a narrow zone and to compel the Jews to be town-dwellers as in the Diaspora, thereby frustrating their age-long aspiration to become rooted again in the soil of their national home. The Jewish Agency finally submitted that, following the proposal made in 1930 by Lord Hailsham and Sir John Simon in respect of certain proposals of the Passfield White Paper, the Regulations should be referred to the Hague Court for an advisory opinion and not be enforced pending the Court's decision. x

The Land Regulations before Parliament

The Government was subjected to severe criticism from all sides of the House of Commons in a preliminary debate which took place on the same day that the Regulations were issued. The main attack came from the Labour Party which, as will be recalled, had been vehemently opposed to the White Paper from which they had sprung. Mr Clement Attlee, then Leader of the Oppos-

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x) Ibid. p. 17

ition, gave expression to the views of his party when asking the Colonial Secretary if he realised "that the action of the Government in making themselves the judge of their own case, in taking action contrary to the Permanent Mandates Commission's decision, and in disregarding the Council of the League of Nations, will cause very wide mistrust of the Government and a very wide feeling that instead of acting up to their obligations under the Mandate, they are flouting the authority of the League and international law". x) Similar views were expressed by Mr Amery for the Conservative Party, and Sir Archibald Sinclair for the Liberals. Mr MacDonald contented himself by declaring that the Land Regulations were necessary to ensure the peace of Palestine, thereby admitting that they were not grounded on anything but political expediency.

The full debate on the Regulations took place on March 6th, 1940, following a vote of censure moved by Mr Philip Noel Baker on behalf of the Labour Party. The motion read "that this House regrets that, disregarding the express opinion of the Permanent Mandates Commission that the policy contained in the White Paper on Palestine was inconsistent with the terms of the Mandate, and without the authority of the Council of the League of Nations, His Majesty's Government have authorised the issue of the regulations controlling the transfer of land which discriminate unjustly against one section of the inhabitants of Palestine." xx) It will be noted that the debate was held during the first six months of the war and, as might have been expected, the supporters of the vote of censure lost no opportunity of pointing out to the Government that

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x) Parliamentary Debates, House of Commons, February 28th, 1940
xx) Parliamentary Debates, House of Commons, March 6th, 1940

their policy in Palestine was not only in violation of the Mandate, but also in marked contradiction to those ideals of justice, liberty and the sanctity of international covenants for the triumph of which the war was being waged. Excerpts of the Hansard report of the debate are reproduced below:

Mr. Philip Noel Baker, for the Labour Party, said:

A year ago the Arab Delegation told the London Conference that there were 19,000,000 dunams of land in Palestine which they could not cultivate. The Jews have already begun to show that they can cultivate it. They have proved outside Jerusalem, and they are proving now in Northern Galilee, that by terracing and planting trees they can cultivate even the barren hills. But the Secretary of State will not prevent them going there at all, because the hills are all in his prohibited zone. This policy is not adopted for economic reasons. In reality, the Secretary of State proposes to keep the greater part of Palestine clean of Jews. He is adopting Dr. Goebbels' watchword. It is to be "Judenrein". The right hon. Gentleman's economic defence for his policy utterly breaks down. I think he proposes later to quote to us what was said by Count de Penha Garcia, a member of the Mandates Commission, who supported his general view. But discussing these land proposals, Count Garcia said that "the new policy suggested might not be very advantageous to the Arabs and it would also impoverish Palestine."

I think it is true to say that the Secretary of State is indeed the modern prophet who declares that the desert shall not blossom like the rose. The Land Regulations are not only indefensible on economic grounds. They are open to grave economic objections. But they are open to grave political objections as well. They bring to the Jews of Palestine the three evils of the Dispersion which they chiefly hate - barred doors, legal discrimination on racial and religious grounds and permanent minority status. It was to escape those things that the Jews dreamed for centuries of a national home. It was to permit them to escape that we made the Mandate.

These Regulations are open, as the whole White Paper policy is open, to grave objections on moral grounds. During the last war the Jews were very strong, and had great influence in many lands. We desired their help. It was to get that help that we made the Balfour Declaration. (Hon. Members: "Hear, hear!") The right hon. Gentleman the Member for Carnarvon Boroughs (Mr Lloyd George) says, "Hear, hear!" and two years ago the First Lord of the Admiralty told us that

> this measure had been taken in "the dire need of the war, with the object of promoting the general victory of the Allies, for which they expected and received valuable and important assistance." Today the Jews are a weak and hunted race. Tens of thousands, perhaps hundreds of thousands, of them have already perished; their property has been stolen and destroyed, and it is because in the general holocaust of civilised standards, their influence has gone that we dare to do this shameful act, that we try to repudiate the moral contract which we made with them during the last Great War.
>
> But it is, above all, on legal grounds that we object to these land Regulations. We are now at war to resist aggression, to prevent the rule of violence in international affairs and to uphold the sanctity of international law. It is on that principle that our national unity in this struggle has been built. If that principle were called in question, our national unity would be utterly destroyed. Yet it seems to us that by the course which he now proposes, the Secretary of State is deliberately violating the obligations by which the nation is bound, that he is striking a blow at the great principle for which we are at war, that he is gravely prejudicing the faith of other nations in our war-d, and that, in doing so, he is treating not only the League of Nations, but this House, with unjustified contempt.

Mr Noel-Baker went on to remind the House that the Colonial Secretary had obtained Parliamentary approval of the White Paper in May 1939 by the comparatively small majority of 89 votes on his "categorical assurance that this policy was consistent with the Mandate". Among those who differed with this view "were the ex-Prime Minister who made the Balfour Declaration, (Mr Lloyd George), and the two ex-Colonial Secretaries who had most to do with bringing the Mandate into effect (Mr Winston Churchill and Mr L.S. Amery)". He further recalled that the majority of the Permanent Mandates Commission had also come to the conclusion that "the White Paper was not consistent with the Mandate and that it was destructive of the Jewish National Home", but that the Minister, with the object of forcing his policy through "regardless of what the Mandates Commission might have said", had withheld this in-

formation from the House of Commons and refused to permit any further discussion. In spite of the absence of any international sanction - for the outbreak of war had prevented the Council of the League from dealing with the Government's Palestine policy - Mr MacDonald was now seeking approval for another violation of the Mandate.

> The Secretary of State cares nothing for our solemn international obligations. He is trying to bluff his policy through, regardless of what the "guardians of the Mandate" have declared. In doing that we believe he is exploiting for his own advantage the present weakness of the League and the general disrepute of international law. Has he forgotten what the Foreign Secretary said to the League of Nations last September, that we were fighting for these very things? Has he forgotten that he who comes to equity must come with clean hands?
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> .....
>
> Why had he done it? Does he still believe that he or any man can in future close the land of Palestine to homeless Jews? Last week in Brussels I met a Jew who left Warsaw three weeks ago. He told me that then the Gestapo alleged they had just discovered a conspiracy against the German Army which they said was headed by a certain Jew named Kot. In accordance with their custom, they declared the collective responsibility of the Jews. They arrested 100 of the leading Jews of Warsaw, and they informed the others that thes 100 would be shot if Kot was not found and handed over within 48 hours. The stated time elapsed, and the 100 men were shot. Another 100 were arrested, and so on every 48 hours. And no Jew in Warsaw had ever heard of Kot or even knew whether he existed. Does the Secretary of State believe that when the war is over the Jews will continue living in a country where things like that have happened? Does he still pretend that we can solve the problem by our cruel futilities about British Guiana and the West Indies, where intwo bitter years we have not found safety for even 100 hunted Jews? He knows, as we know, there is one indispensable solution - the Jewish National Home in Palestine - and whatever also there may be, there must be that as well. He knows, as we know, that in Jewish brains and courage there lies the one living force that can reclaim the wastes of Zion, and which, by its leadership and its example, can revitalise the arid deserts of the Middle

East. We ask him to withdraw these Regulations and to tell the world that this Parliament and this nation will faithfully fulfil the sacred trust which in the last great war we undertook. If he will not do it, then this House and history will judge him as he deserves.

Sir Archibald Sinclair, the leader of the Liberal Party then in opposition, and later Secretary of State for Air in the coalition War Cabinet, attacked the Government for their disregard of the very principles for which they professed to be fighting the war:

> We are fighting for freedom - for the freedom of men and of nations - freedom of which the rule of law and sanctity of contract and of treaties are indispensable supports. Sanctity does not mean immutability. Laws and treaties grow old and obsolete, like the Straits Convention, which was amended at the instance of Turkey and with the assent of all the signatories of that Convention. In one eloquent speech after another the Prime Minister, the Foreign Secretary and other Ministers have said that we are fighting to resist Herr Hitler's claim to very international treaties unilaterally. I will select only one quotation from a speech which the Prime Minister delivered in the House in October. He said: -
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> "The overwhelming mass of opinion in this country, and I am satisfied also in France, is determined to secure that the rule of violence shall cease, and that the word of Governments, once pledged, must henceforth be kept". - (Official Report, October 3rd, 1939; col. 1857, Vol. 351)
>
> I accept that gratefully from the Prime Minister. I will make that the point of departure for my speech and the criterion by which the policy of the Government in Palestine must be tested. The Palestine Mandate is an international treaty, and the first question I would put to the House is whether the White Paper is consistent with the Palestine Mandate. As the hon. Member who preceded me reminded the House, this was a question which we debated thoroughly in May of last year and those who had played the greatest part in bringing the Mandate into operation expressed from their great experience the view that this White Paper is inconsistent with the Mandate. That is the question on which on a three-line Whip the Government majority fell to 89 votes. That debate took place on May 22nd and 23rd. The White Paper went to the Permanent Mandates Commission. I have often heard from the benches opposite scornful references to the delays and evasions of the League of Nations, but whatever delay there has been here it has not been on the part of the League

of Nations, for within less than a month the Permanent Mandates Commission had reported, and had reported in the sense of which the hon. Member has reminded us - that the White Paper was inconsistent with the existing interpretation of the Mandate, and by a majority that it was inconsistent with any reasonable interpretation of the Mandate. That is the only impartial body to whom the Government have so far submitted their White Paper.

It is true that His Majesty's Government, as they say in their letter to the League, remain of opinion that the White Paper is consistent with the Mandate, but the rule of law implies that no man and no Government can be judge in his own cause. In a case where genuine doubts are raised by a responsible body of men like the Permanent Mandates Commission and the League of Nations as to whether action proposed by the Government is in conformity with their Treaty obligations, it is the duty of the Government to clear up those doubts before and not after they take action; not to act first and then to write round to the members of the League Council and ask them if they mind.

In failing in a proper and regular manner to consult the League, His Majesty's Government have broken faith both with Parliament, and with the League of Nations. We were told, as the hon. Gentleman reminded the House, that the Council of the League would be formally consulted, and that if in their opinion the White Paper was inconsistent with the Mandate, His Majesty's Government would consult Parliament again before attempting to put the White Paper into operation. What has happened to that pledge?

Sir Archibald Sinclair reminded the Government that the fact that the Council of the League had not had an opportunity of discussing the White Paper did not give them "the right to go on with their policy just the same in spite of the fact that the Permanent Mandates Commission had advised that this policy was inconsistent with the Mandate"..... "on the contrary, it was a unilateral violation of a treaty, to wit, the Palestine Mandate. He recalled that "a few weeks ago the First Lord of the Admiralty (Mr Winston Churchill)

was appealing to the neutral nations of the world to take their stand with us on the Covenant of the League, and the moment it gets in our way, here are Ministers kicking it down. In treating the League with contempt in putting into operation these Land Regulations in defience of the opinion of the Permanent Mandates Commission unfortified by the opinion of the ~~Permanent Mandates Commission~~ International Court, and without asking for a meeting of

> the League Council, His Majesty's Government are inflicting a defeat on the very cause for which they are asking us to fight, the cause of the rule of law and respect for international obligations.

Perhaps the major speech of the debate was that of Sir William Jowitt (now Lord Jowitt), Lord Chancellor in the present British Government, who, by his cold and dispassionate recount of the facts of the matter, condemned the action of the Government as being a violation of the Mandate and inexpedient at the same time. The facts were these:

> Palestine, which today is very different from what it was when Transjordan was joined to it in the days of the Balfour Declaration, is some 10,000 square miles. That area is now to be divided, as Gaul used to be, into three zones. Zone A is prohibited, Zone B is to be restricted, although it is equally prohibited, and the third zone is a free zone. Zone A, the prohibited zone, occupies 6,500 square miles, the whole area of Palestine being 10,000 square miles. That is to say, it is thirteen-twentieths of the whole country. In Zone A, in these 6,500 square miles, there are Jewish Settlements to the extent of 150 square miles, that is to say, something like 2 per cent, in area of this district.
> I might fairly say that if there is considerable landlessness in Zone A, it is hardly possible to attribute it ot the 2 per cent. Jewish settlement area. Zone B, the restricted area, is an area of about 3,000 square miles. That is to say, it is some six-twentieths of the whole country. Of that 3,000 square miles, some 200 square miles - that is, some 7 per cent, of the whole, is in Jewish hands. Any landlessness of the 93 per cent, of the land in Zone B, therefore, has nothing to do with Jewish land purchases. Now I come to the third zone, the free zone. Its area is some 500 square miles, which is one-twentieth of the whole. Broadly speaking, it is occupied about fifty-fifty by Jews and Arabs. So that in that area, if the Jews were lucky enough to buy all the Arab land, they would have a chance of extending over an additional 2 5 0 square miles. That is the lot.
>
> The precise boundaries of this territory were not demarcated or indicated at all precisely until recently. It was announced last May that there would be zones, but a few days ago, for the first time, one was able to tell whether any particular property was or was not in a free zone, a prohibited zone or a restricted zone. Notwithstanding that fact, these Regulations are retrospective to May last. The position is this: In Zone A no one may transfer land to anybody except a Palestinian Arab, and "land" means a host of other things, such as "water, buildings, trees and any interest in, or right in, to or over land", and soon. Now let the House observe this. Suppose you are one of the Jews in Zone A who have

acquired land. You lose your right to sell that land to anybody except a Palestinian Arab. I am aware that you can go cap in hand to some functionary out there and ask for a dispensing power, but it is a fact that a Jew who years ago has bought and paid for and occupied land in Zone A and who wants to raise a mortgage on it, and sell and transfer it, cannot do so, except to a Palestinian Arab, without asking somebody's permission.

Let us consider for a moment the effect of this retrospective legislation. Suppose that last June a Jew bought a property. He has paid for it, he has developed it, built a house on it, irrigated it, or what you will, It is not enough for him to say, "I had every ground for believing that this house was in a free zone." If it turns out to be unlucky, if it happens to be in Zone A, the transfer is null and void, and there is no provision in these Regulations for the payment of any compensation.

Mr. M. MacDonald: There is discretion to allow purchases.

Sir W. Jowitt: I am glad that the right hon. Gentleman has made that observation. We are dealing here with an interference with rights, and I say that rights are interfered with if, instead of exercising his normal rights, a man has to go cap in hand to the High Commissioner or anyone else and ask for permission to do that which any Arab can do anywhere. Let us come to Zone B - and here I would say that the interjection of the right hon. Gentleman is interesting. This is the restricted area, which is equally a prohibited area. Again it is true that you can go cap in hand to the High Commissioner, who, in his discretion, which cannot be contested in the courts, may or may not grant permission. I agree that the High Commissioner is a most eminent and excellent civil servant, but we know that often in these Government Departments papers are held up before they reach the Minister himself. The chance of any Jew being able to buy land in Zone B depends upon the unfettered discretion of this public functionary.

.....

It is quite fallacious to think that the free zone represents the whole of the maritime plain. It ~~represents by no means the whole~~ represents by no means the whole of the maritime plain. It may be said that it is the best land. I think hon. Members have said so. But let me remind them that this very land in 1922, in the Valley of Jezreel, for instance, was regarded as totally uncultivable. That is the fact. Yet that land, which less than 20 years ago was totally uncultivable, thanks to the industry and the enthusiasm of the Jews, has today become the most fertile land in Palestine. If we are to be fair about this matter, and we all want to be fair, we must remember that this is a very great tribute to the work which the Jews have done.

Having presented the facts, Sir William Jowitt addressed himself to the first of his two questions: "Does this or does it not accord with the Mandate?" He dismissed the Hogarth message and the MacMahon correspondence, which had once again been trotted out by the Government as support for their policy, as firstly,

documents which contained no promises to the Arabs, and secondly, as irrelevant to the issue.

> The fact remains that, after these events, this Mandate was accepted, and the Mandate is our right and title to be in Palestine, and our sole right and our sole title to have anything to do with this problem at all. The recital of the Mandate says:
>
> > "His Britannic Majesty accepted the Mandate in respect of Palestine, undertaking to exercise it on behalf of the League of Nations in conformity with the following provisions."
>
> That is our obligation. Whatever happened before, I believe every hon. Member in this House is anxious to see that that undertaking which we then gave, that trust which we then accepted, is solemnly and sincerely and faithfully fulfilled. There are three Articles of the Mandate to which I want to refer. The right hon. Gentleman, in the course of his speech, referred to one. That one, I think, is the least relevant of the three. The first I want to refer to is Article 2:
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> > "The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and regligion."
>
> One of the most elementary rights which the inhabitants of Palestine should have is the right to buy, to sell, to lease, and to mortgage. How can you say - and I put this to hon. Members opposite who I know are just as anxious about the faithful observance of this Mandate as anybody outside the House - that in the steps which I have indicated you are securing the establishment of the Jewish National Home and safeguarding the civil rights of the inhabitants of Palestine?

Sir William then challenged the Government to submit the Regulations to the Hague Court, or, if this would take too much time, to the Privy Council. He was, however, "afraid that they will adopt none of these courses." As he said

> I am afraid they will take no opinion. I cannot help feeling that what they are doing is really - if I may use the vulgarism - "jumping the claim." They are confronting the League with a fait accompli. They rely on the reluctance which anyone must have at the present time to call a special meeting. I have no doubt that the Government have calculated well.
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> So ends, as the right hon. Gentleman opposite said, another chapter in a tragic story. It is pretty obvious that the Jew is to be once more a sojourner in a strange land. Hon. Members opposite must not be surprised if, being prevented from dealing with land in 95 per cent of the territory,

> the Jews state that what used to be a home has been turned into a Pale.

The second question was "was it expedient?" Here too, experience had proved that the answer must be in the negative. "I cannot help feeling", said Sir William,

> that this policy represents another essay in appeasement, and the drawback of that policy, as I see it, is that you give something in the hope that you will put an end to agitation or political unrest. You hope that it will satisfy the appetite, but, unfortunately, as we know, it only whets that appetite. Economically, this policy may well be as bad for the Arabs as it is for the Jews. Let us look at it quite frankly. An Arab is prevented from selling his land, perhaps in order to raise money to meet the mortgage, in what may be his best market. The value of his land is bound to decrease. The chance of getting necessary capital to improve his holding, to irrigate it, and to make it intensive, is diminished. I prophesy that, from the economic point of view, you will find in a very short time that this policy is resented by Arabs as much as it is by Jews.

The protests were unavailing: The Government were quite obviously determined to pursue their policy regardless of its lack of legal or moral basis and, as its approval had been made a matter of confidence, they had no difficulty in securing the necessary majority. This was not all. In 1941, by administrative decree, the Palestine Government placed State lands in the A and B Zones on the same footing as Arab lands, in spite of the fact that these lands, which, under Article 6 of the Mandate, were to be made available for close settlement by Jews, were expressly excluded from the Land Transfers Regulations.

The War Years

The Jewish war effort.

Notwithstanding the bitterness aroused by the betrayal of the National Home - a bitterness which, had times been normal, would have expressed itself in an unrelenting opposition to any regime in Palestine founded on the White Paper policy - the outbreak of war found the Jewish people ranged solidly

behind Great Britain and the democracies. The White Paper was not forgotten, but it was felt that honour and duty demanded that the main effort should be devoted to the fight against the Nazi enemy whose victory would have meant not only the death of freedom in the world, but the physical extinction of the Jewish race. "We shall fight the White Paper as if there were no war", said Mr David Ben Gurion, the Chairman of the Jewish Agency, "and the war was as if there were no White Paper." x)

On August 29th, 1939, five days before the declaration of war, Dr Weizmann sent the following letter to the Prime Minister, the late Mr Neville Chamberlain:

> In this hour of supreme crisis, the consciousness that the Jews have a contribution to make to the defence of sacred values impels me to write this letter. I wish to confirm in the most explicit manner, the declarations which I and my colleagues have made during the last months, and especially in the last week; that the Jews "stand by Great Britain and will fight on the side of the democracies."
>
> Our urgent desire is to give effect to these declarations. We wish to do so in a way entirely consonant with the general scheme of British action and, therefore, would place ourselves in matters big and small, under the co-ordinating direction of His Majesty's Government. The Jewish Agency is ready to enter into immediate arrangements for utilising Jewish man-power, technical ability, resources, etc.
>
> The Jewish Agency has recently had differences in the political field with the Mandatory Power. We would like these differences to give way before the greater and more pressing necessities of the time.
>
> We saw you to accept this declaration in the spirit in which it is offered. xx)

Mr Chamberlain sent an appreciative reply to this letter on September 2nd:

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x) Quoted in Political Report of the London Office of the Jewish Agency for Palestine, London, 1946, p. 13.
xx) Ibid. p. 31

> I should like to express my warm appreciation of the contents of your letter of August 29th, and of the spirit which prompted it. It is true that differences of opinion exist between the Mandatory Power and the Jewish Agency as regards policy in Palestine, but I gladly accept the assurance contained in your letter. I note with pleasure that in this time of supreme urgency, when these things which we hold dear are at stake, Britain can rely upon the whole-hearted cooperation of the Jewish Agency. You will not expect me to say any more at this stage than that your public-spirited assurances are welcome and will bekept in mind. x)

The warmth of the Prime Minister's reply can only be ascribed to the fleeting appearance of a generous human emotion brought about by the gravity of the hour, for the subsequent behaviour of the Palestine Government, under direct instruction from London, completely belied the cordial tone of his letter. It was made quite plain that the Government's last word on the subject of Palestine was the White Paper, and that no move the Jews might make, no assistance they might proffer to the Allied war effort, would be allowed to conflict with this policy.

The Jewish war effort in Palestine, in all its spheres , had to contend with the constant opposition of a Government which felt that any recognition or encouragement of Jewish enlistment in the armed services or industrial mobilisation for war purposes would undermine the fundamental anti-Zionist policy of the White Paper. The Jewish Agency's ~~first~~ offer of full assistance and support contained in Dr Weizmann's letter had been immediately followed up by a mass registration for war service, which totalled over 136,000 men and women - over 25 % of the total Jewish population in Palestine. The Army,

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x) Ibid, p. 32

under pressure from the Government, was, however, at first chary about using this valuable pool of manpower, and it was only as a result of a bitter struggle by the Jewish Agency that the Jews of Palestine obtained the right to fight against the common enemy. But even then, when the serious state of Allied fortunes in the Middle East compelled the Army to agree to the formation of all-Jewish units, (the attempt to form mixed Jewish-Arab units had failed owing to the Arabs' lack of response), these were not formally called Jewish. In the words of a Jewish Agency memorandum x), "For a long time there seemed to be a conspiracy of silence regarding the Palestinian-Jewish war effort, and the very existence of a considerable number of Jewish units in the Middle East seemed almost a war secret. Jewish volunteers were thus denied what was elementary in regard to any other Allied contingent - the acknowledgement of their national identity". Nevertheless by the end of the war over 30,000 Jewish men and women had enlisted in various units of the British Army, including the Jewish Brigade Group whose formation had been finally approved, thanks to Mr Churchill's personal interest, in October 1944. They fought in Dunkirk, in Greece, in Crete, in North Africa, in Syria, in Italy and later took part in the occupation of Europe. In addition to the Jewish volunteers from Palestine, more than one million Jews fought in the armies, navies and air-forces of the Allies.

The White Paper had its effect, not only on the effective utilisation of Jewish manpower, but on the mobilisation of the economic resources of Jewish Palestine as well. At the beginning of the war all offers of help were curtly refused - presumably from the fear that the conversion of Jewish industry to war purposes would unduly strengthen the National

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x) Memorandum submitted to the Anglo-American Committee of Inquiry by the Jewish Agency for Palestine, Jerusalem, 1946, p. 47

Home. Here again, however, politics had to give way before the pressure of events. After Italy's entry into the war, when the Mediterranean was virtually closed to British shipping and all war supplies had to be carried over 12,000 mile U-boat infested Cape route, the Government was compelled to recognise the existence of the huge potential arsenal it had right behind the front line. Eventually, Jewish Palestine's economy was fully harnessed to the war machine, and for the first time in the history of the Mandate, the Government actually played a positive role in its development. The record of production was impressive, and astonishing in its diversity. As the former British Commercial Agent wrote in a survey of Palestine's part in the war:

> ".... I wonder how many people know that every one of the millions of land mines used in the brilliant campaign, which retrieved the situation at El Alamein from imminent complete disaster and ended by 'knocking Rommel for a six', was manufactured in Palestine .... The list of goods supplied to the army is long and impressive....It is quite an astonishing record for a small country." x)

By and large, it was generally conceded by both the military and civil authorities in the Middle East that without the loyal pool of manpower and resources in the Jewish National Home the outcome of the campaign in this theatre might well have been different. This fact, however, had at the time, and has had since, no effect whatsoever on British policy.

The Arab War Effort

The Arab part in the war can be dismissed very briefly. Egypt, the largest and most influential of the Arab states, not-

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x) Quoted in the Political Report of the Jerusalem Office of the Jewish Agency for Palestine submitted to the 22nd Zionist Congress, Jerusalem, 1946, p. 41

withstanding her treaty of alliance with Great Britain, was a non-belligerent throughout. In spite of the fact that their country was invaded by Axis forces no less than three times during the Middle East campaign, the Egyptians made no move to defend themselves - this task was left to the Allied forces, including a large number of Jewish units. Egyptian nonbelligerency was, however, of so equivocal a nature that large Allied forces had to be tied up in that contry in order to ensure a secure base. These security forces were used, in 1941, to capture the Inspector-General of the Egyptian Army who was on his way to join the Italians with copies of British plans in his pocket which had been given to him by the Prime Minister; in 1942, they were used to compel King Farouk to choose between the alternatives of abdication and the approval of a pro-Allied Government; in 1943, they were used to calm the exubrance of the citizens of Cairo and Alexandria when the news of Rommel's arrival at El Alamein reached them. It was only when the Axis forces in North Africa were finally defeated that Egypt, at long last, expressed her adherence to the Allied cause by subscribing to the Atlantic Charter, at the same time demanding that her "great contributions to the war effort and the valuable assistance given to her ally" x) entitled her to a seat at the peace conference and a voice in international councils. The formal declaration of war was not, however, made until the end of February, 1945 (when the Axis was already defeated), after the major Allies had announced that only those nations which had declared war on the Axis by March of that year would be admitted to the San Francisco Conference.

Saudi Arabia was neutral until February, 1945, when a hurried declaration of war was made in order to qualify for admission to the San Francisco Conference.

Yemen had long been under Italian influence, but was prevented from doing any harm by British control of the Red Sea.

Iran was at the outbreak of war overrun by Axis agents. One

x) The "Times", London, Dec, 14th, 1943

of the most important of whom was the ex-Mufti of Jerusalem who had fled thither from Syria after the collapse of the Arab "rebellion" in Palestine. The Mufti speedily entrenched himself in the political life of Iraq and, in 1941, together with Rashid Ali al-Gailani who had become Prime Minister in 1940, brought about a pro-Axis rising at a time when British fortunes on the North African front were at their ~~lowest~~ lowest. The rising was crushed after five or six weeks fighting, and Iraq remained under military occupation for the rest of the war. On January 16th, 1943, a formal declaration of war against the Axis was made, but no Iraqi forces took part in any fighting.

Syria and the Lebanon were under Vichy occupation until June, 1941, when Allied control was regained by British, including Jewish Palestinian, and Free French forces. Neither the Syrians nor the Lebanes took any part in the fight for their freedom, nor did they participate in the war after it was achieved. Similarly to Egypt and Saudi Arabia, however, formal declarations of war on the Axis were made in February, 1945, in order to gain admission to the San Francisco Conference.

The Arabs of Palestine and Transjordan, as subjects of British mandated territories, were the only Arab peoples in the Middle East to be formally at war with the Axis from the outset. The Transjordan Arab Legion, a force some 5,000 strong commanded by British officers, performed guard duties in Palestine and Egypt. The total enlistment of Palestinian Arabs was 9,000 men (including about 2,000 Transjordanians, Syrians, and Lebanese), which number was reduced to under 4,000 by the end of hostilities through desertions and discharges. These were also mainly employed on guard duties. Aside from this meagre effort, which does not compare over favourably with the number of over 30,000 Jews recruited from a population only one half as numerous as

that of the Arabs, the Palestinian Arab contribution was nil - or, more accurately, negative. The recognised leader of the Arabs of Palestine, the ex-Mufti of Jerusalem, of whom mention has already been made in connection with the Iraq rising, escaped to Germany where, in company with a number of his former colleagues from Palestine, he conducted anti-Allied propaganda in the press and over the radio. He is also reputed to have taken a large part in planning the mass extermination of European Jewry.

In sum, the record is not impressive. Forty million Arabs contributed less than fifteen thousand security guards to the Allied Armies: Six hundred thousand Jews gave double that number of fighting soldiers. The Arab Middle East, when not hostile, was equivocally neutral to the Allied cause; Jewish Palestine prosecuted the war with fervour, and with all the strength an unfriendly Government allowed. The Arabs have emerged from the war enriched, unharmed and with full representation in the councils of the United Nations; the Jews, impoverished, wracked and weakened by the loss of 6,000,000 men, women and children massacred in Europe, still stand knocking at the door of the world's conscience.

Immigration under the White Paper

The worst manifestation of the application of the White Paper policy by the British Government was in the field of immigration into Palestine during the war. It will be recalled that the White Paper provided for a maximum immigration of 75,000 persons during the five years following its promulgation. This figure was adhered to rigidly. Neither the holocaust which had overtaken European Jewry, nor the magnificent war effort of Jewish Palestine were sufficiently powerful in their pleas to make the Government budge one inch from this magic figure. Immigration certificates were doled out with inhuman mathematical precision,

while all over Europe ancient communities which for fifteen centuries had been the centres of Jewish life, were wiped out of existence by the Nazi tornado. In all, 6,000,000 Jews were killed in Europe during the war. This bald figure, far too great for the ordinary mind to encompass, is the extent of the Jewish tragedy and the root cause of all that has happened in Palestine these last two years. In the words of a Jewish Agency Report, x) "it is not suggested that all the 6,000,000 Jews who were killed ... could have been saved if there had been no White Paper, but there cna be no doubt that many thousands of those who perished in the gas chambers of Poland would be alive today if immigration to Palestine had been regulated, as formerly, by the principle of the country's economic absorptive capacity and had not been subjected to the arbitrary numerical restrictions imposed under the White Paper".

In order to save the lives of those thousands who could have been saved, herculean efforts were made by representatives of the Jewish Agency in all countries of Europe, supported by the invaluable and devoted assistance rendered by the International Red Cross and by the Swedish and Swiss Consuls in certain Nazi-occupied states. These exertions were, largely, in vain. Seventy-five thousand was the figure fixed by the White Paper, and seventy-five thousand were all that the Government were prepared to admit. They went to extreme and, in the eyes of the world, incredibly gruesome lengths to see that the quota was not exceeded. All sorts of specious arguments were used: At the outset of war, when Hitler marched into Poland and so doomed the

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x) Political Report, Jerusalem, 1946 (op. cit), p. 1

3,000,000 Jews of that country to destruction, it was claimed that the admission of even a single Jew from enemy occupied territory would constitute a threat to the security of the Allies - the Jews, ran the argument, would spy for Germany; when, later on, all possibility of escape from Nazi occupied Europe had disappeared, the Government announced that no immigration certificates would be granted to Jews from unoccupied territories owing to the greater need of those under the Nazi heel who, of course, could not use them. Another official plea, used very frequently, was the lack of shipping space - a problem which the gallant survivors of Dunkeirk were, fortunately, not called upon to face.

Perhaps the most horrifying aspect of the Government's record in the field of immigration during the war was their treatment of the so-called illegal immigrants. These were people who were, literally, escaping from death; braving incredible danger, they came on foot and on leaking ships to the one country in the world which was able to offer them sanctuary. This they were denied. It will be recalled that the White Paper had included a special paragraph on the question of "illegal" immigration -

> (4) His Majesty's Government are determined to check illegal immigration, and further preventive measures are being adopted. The numbers of any Jewish illegal immigrants who, despite these measure, may succeed in coming into the country and cannot be deported will be deducted from the yearly quotas.

The Permanent Mandates Commission had not been wholly satisfied with this attitude. Illegal immigration into Palestine they claimed, was not the same As illegal immigration into another country. As Baron van Asbeck x) put it

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x) Minutes of the 36th Session of the Permanent Mandates Commission, 1939, p. 131

> Illegal immigration into other countries could not be placed wholly on the same footing as "illegal immigration" of Jews into Palestine. The Jewish illegal immigrants were people whose historical connection with Palestine had been openly recognised.

Ville Dannevig[x] agreed with M. van Anbeck, saying that

> Illegal immigration into Palestine bore quite a different aspect from illegal immigration into any other country in the world because of the stipulation in article 6 of the mandate and of the peculiarly difficult situation of the Jews. It was heartbreaking to think of the miserable Jewish refugees who, according to recent reports, had been driven away from their homes and led to believe that they would be admitted into Palestine and who were undergoing great sufferings on board ill-fitted vessels in the Mediterranean. Did the United Kingdom Government propose to take any measures to alleviate, as soon as possible, the sufferings of those unfortunate people?
>
> Mr. MacDonald seemed unjustifiably optimistic regarding the attitude of the Jews towards immigration restrictions. The Jews, she held, were fighting for their lives, whereas the Arabs were fighting for their political rights and national prestige. Should the question not be looked at from that point of view?

A stronger view had been expressed by Colonel Josiah (later Lord) Wedgewood[xx] in the House of Commons debate on the White Paper. He said flatly that there was no such thing as illegal immigration into the Jewish National Home, and exhorted the Jews to break a law which had no foundation in justice - "laws made to prevent people from doing something which they have a God-given right to do, to live somewhere, particularly their home, cannot be insisted upon".

The legality or illegality of the law was, however, of no concern to the Government. Jews who arrived at the gates of Palestine were ruthlessly pounced upon and turned away. A particularly flagrant case of this nature was the vessel

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x) Ibid. p. 132
xx) Parliamentary Debates, House of Commons, May 22nd, 1939

"Atlantic" which arrive in Haifa in Mag December 1940 with about 1,800 refugees from the Nazi terror aboard. The Government refused them permission to remain in Palestine and, after a night of horror in which a number of these hapless people were severely injured by British troops and police - a night which must have reminded many of the refugees of their experience in Europe - they were transported to the island of Mauritius in the Indian Ocean for detention until the end of the war. The Government declared more than once that on no account would they be permitted to come to Palestine - presumably for their temerity in attempting to save their lives - but eventually were forced to give in to public opinion and granted the survivors immigration certificates at the end of 1945. The number of these certificates was naturally deducted from the quota. A similar attempt was made with the 1,770 Jews who arrived on the "Pacific" and the "Milos". They were transferred to a deportation ship, the "Patria" which, five days later, exploded in Haifa harbour with the loss of 257 lives. The High Commissioner announced that this regrettable incident made no difference - the survivors would in any case have to leave the country and would not be permitted to return. Outraged public opinion in Great Britain and the United States, however, forced a retraction, and the refugees were permitted to remain in Palestine. The worst case of all was that of the "Struma", a broken-down 200 ton yacht which, after weeks of wandering over the Black Sea and the Dardanelles in the winter of 1942 was turned away from Constantinople by order of the Turkish authorities after receipt of information that the refugees aboard would not be permitted to come to Palestine.

The "Struma" sank in the Sea of Marmora with the loss of all but one of its 769 passengers. To the storm of protest that arose from all over the world, all that the British Government could say was: "His Majesty's Government earnestly hope that such a tragedy will not occur again. It does not lie in their power, however, amid the dangers and uncertainties of war, to give any guarantee, nor can they be party to any measures which would undermine the existing policy regarding illegal immigration into Palestine in view of the wider issues involved." x)

In February, 1943, an Anglo-American conference on the refugee question was held in Bermuda. By that time, news of the wholesale massacre of Jews in Europe had begun to seep through, and the conscience of the world demanded that something be done for those who might escape slaughter. Like the Evian Conference of 1938, the results at Bermuda were precisely nil. "Large scale movements of people from Nazi-controlled Europe were, it was decided, impossible under the war conditions then existing. Earlier proposals to attempt to rescue Jewish children from Axis-controlled territories were said to be impracticable. As to finding places of permanent refuge for those of Hitler's victims who had escaped to neutral countries, the experts at the conference pleaded that lack of shipping space precluded effective action." xx) The British representatives

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x) Mr Harold Macmillan (Colonial Secretary) in the House of Commons, March 11th, 1945.
xx) From an address by James G. MacDonald (former League of Nations High Commissioner for Refugees), Chicago, November 19th, 1944.

ruled Palestine out of the question immediately - the maintenance of the White Paper was "essential from the point of view of the stability of the Middle East". At the same time they refused to discuss any possible alternatives to Palestine, such as the vast and empty British colonies in Africa.

The failure of the Bermuda Conference impelled the Jewish Agency to redouble its efforts to save the refugees, but success was slight. By the end of 1943, some months before the close of the five year immigration period under the White Paper, less than 50,000 Jewish immigrants had arrived in the country, and there was a serious risk that, if the Government applied the strict letter of the law, the balance of 25,000 certificates would be cancelled. As each certificate meant a life, it would have meant the loss of so many additional Jewish lives. The Palestine administration had been over-zealous in applying its instructions from London. Whether this was from an excess of love for the Jewish National Home - the High Commissioner, Sir Harold MacMichael, was once reputed to have advised the Jewish Agency to be sparing in their use of immigration certificates during the war as immigrants "of a better type" would be available afterwards - or from a desire to postpone any further decision on Palestine until the war was over, cannot be said. The further tragedy was, however, averted after lengthy negotiations in London. With a great show of magnanimity, Mr. Eden, the Foreign Secretary, announced in the House of Commons x) that

x) Parliamentary Debates, House of Commons, November 19th, 1943

"it would be inequitable to close the doors of Palestine to those persons (i.e. the 35,000 who were otherwise deemed) on account of the time factor", and that therefore, immigration would be permitted after March 30th, 1944 up to the limit of 75,000 and provided the economic capacity of the country to absorb these immigrants was not exceeded. These certificates were doled out at the rate of 1,500/ per month.

The Constitutional Issue

The White Paper had provided for the establishment, after ten years, of an independent Palestine State in which the Jews were to be in a permanent minority of one-third of the total population. During the transitional period Jews and Arabs, in proportion to their respective populations, would be placed in charge of the various departments of the Palestine Government and would serve on the High Commissioner's Executive which might, later, be converted into a Council of Ministers. This was the only part of the policy which was not applied during the war, from the well-grounded fear, no doubt, that the greater responsibility which would be given to the Arab population might lead them into the same pro-Axis paths as their Iraquian brethren. Nevertheless, the Government gave ample evidence that they had not abandoned their proposals, but merely postponed them for a more suitable occasion. The preliminary steps were taken in March, 1943, when the tide of war had receded from the Middle East and the co-operation of the Jews of Palestine was not, apparently, considered of such moment. In that month the High Commissioner for Palestine announced the appointment of a Reconstruction Commissioner whose function would be the preparation of schemes for post-war agricultural and industrial development. The plan was severely limited in scope. No cognisance was taken of the immense industrial progress which had been made as a result of the influx

of Jewish immigration - Palestine, in the words of the High Commissioner, "was essentially an agricultural country" x), and the main emphasis would be placed on the economic welfare of the Arab population. Further immigration of Jews was, evidently, not contemplated, for the development would be a long-drawn out affair financed from within the country - presumably from accumulated reserves of Jewish capital. The basis of the Reconstruction scheme was the restriction of Jewish economic development. It was founded on the White Paper - Palestine was regarded as an Arab country where the Jews would have to pay for the privilege of minority existence.

Similar evidence of the Government attitude was shown in the arms trials and searches of the summer of 1943. From the middle of 1940, when the Middle East Command was compelled to realise the potential value of the Jewish manpower pool in Palestine, the Army had cooperated extensively with the Jewish Self-Defence Organisation (Haganah) which, at the outset of war, had placed itself at the disposal of the military authorities. These services were used to the full, notably in the despatch of Jewish parachutists to occupied South-Eastern Europe, the planning of guerilla warfare in Palestine if the Nazis broke through at El Alamein, in the invasion of Syria which was led by Jewish commandos drawn from the ranks of the Haganah, and in general intelligence work throughout the Middle East theater. At the beginning of 1943, when the Middle East Command had become a military backwater, the cooperation came to an end. At the behest of the civil authorities in Palestine, the Army then turn-

x) From an address over the Jerusalem radio, March 23rd, 1943

ed on its former allies, and in a series of searches for arms in Jewish communities which were conducted with great brutality, followed by military trials at which savage sentences were meted out for trivial offences, accompanied by a chorus of vilification of the Jewish community in general and the Jewish Agency in particular, attempted to smash the potential resistence of the Jews to the application of the White Paper.

The clear proof that the Government had not only not abandoned but did not propose to abandon, the White Paper policy compelled the Zionist Organisation to press for a regime in Palestine which would give the Jews an opportunity to develop their National Home on the lines envisaged by the statesmen who had made the Balfour Declaration and the Mandate. This meant, now that the Mandate had been repudiated by the British Government, a return mx to the original conception of the Jewish Commonwealth. In the words of Mr David Ben Gurion, the Chairman of the Jewish Agency Executive, "as long as the Mandate was in existence - even though we may not have been perfectly satisfied with the way it was being implemented - we forebore from all discussion of the final constitutional status of Palestine". x) The question had, however, been raised by the Mandatory in the White Paper with their plan for an independent Palestine State; the Arabs had also been insistent in their demand for an Arab State - it was, thus, both necessary and logical for the Jews to propose their solution to the constitutional issue in order to safeguard their internationally guaranteed National Home.

The Biltmore Programme.

The question of the future constitutional status of Palestine was raised officially on the Jewish side for the first time at an

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x) From a speech delivered at a meeting of the National Council of Palestine Jews (Vaad Leumi) in Jerusalem, April 1st, 1947

Extraordinary Conference of American Zionists held at the Hotel Biltmore in New York on May 11th, 1942. The conference, which was attended by Dr Weizmann and Mr Ben Gurion, adopted the following series of resolutions which later became known as the Biltmore Programme:

1. American Zionists assembled in this Extraordinary Conference reaffirm their unequivocal devotion to the cause of democratic freedom and international justice of which the people of the United States, allied with the other Nations, have dedicated themselves, and give expression to their faith in the ultimate victory of humanity and justice over lawlessness and brute force.

2. This Conference offers a message of hope and encouragement to their fellow Jews in the Ghettos and concentration camps of Hitler-dominated Europe and prays that their hour of liberation may not be far distant.

3. The Conference sends its warmest greetings to the Jewish Agency Executive in Jerusalem, to the Vaad Leumi, and to the whole Yishuv in Palestine, and expresses its profound admiration for their steadfastness and achievements in the face of peril and great difficulties. The Jewish men and women in field and factory, and the thousands of Jewish soldiers of Palestine in the Near East who have acquitted themselves with honour and distinction in Greece, Ethiopia, Syria, Libya and on other battlefields, have shown themselves worthy of their people and ready to assume the rights and responsibilities of nationhood.

4. In our generation, and in particular in the course of the past twenty years, the Jewish people have awakened and transformed their ancient homeland; from 50,000 at the end of the last war their numbers have increased to more than 500,000. They have made the waste places to bear fruit and the desert to blossom. Their pioneering achievements in agriculture and industry, embodying new patterns of cooperative endeavor, have written a notable page in the history of colonization.

5. In the new values thus created, their Arab neighbours in Palestine have shared. The Jewish people in its own work of national redemption welcomes the economic, agricultural and national development of the Arab peoples and states. The Conference reaffirms the stand previously adopted at Congresses of the World Zionist Organisation, expressing their readiness and the desire of the Jewish people for full cooperation with their Arab neighbours.

6. The Conference calls for the fulfillment of the original purpose of the Balfour Declaration and the Mandate which "recognising the historical connection of the Jewish people with Palestine" was to afford them the opportunity, as stated by President Wilson, to found there a Jewish Commonwealth.

The Conference affirms its unalterable rejection of the White Paper of May 1939 and denies its moral or legal validity. The White Paper seeks to limit, and in fact to nullify Jewish rights to immigration and settlement in Palestine, and, as stated by Mr

Winston Churchill in the House of Commons in May 1939, constitutes "a breach and repudiation of the Balfour Declaration". The policy of the White Paper is cruel and indefensible in its denial of sanctuary to Jews fleeing from Nazi persecution; and at a time when Palestine has become focal point in the war front of the United Nations, and Palestine Jewry must provide all available manpower for farm and factory and camp, it is in direct conflict with the interests of the Allied war effort.

7. In the struggle against the forces of aggression and tyranny, of which Jews were the earliest victims, and which now menace the Jewish National Home, recognition must be given to the right of the Jews of Palestine to play their full part in the war effort and in the defense of their country, through a Jewish military force fighting under its own flag and under the high command of the United Nations.

8. The Conference declares that the new world order that will follow victory cannot be established on foundations ofp eace, justice and equality, unless the problem of Jewish homelessness is finally solved.

The Conference urges that the gates of Palestine be opened; that the Jewish Agency be vested with control of immigration into Palestine and with the necessary authority for upbuilding the country, including the development of its unoccupied and uncultivated lands; and that Palestine be established as a Jewish Commonwealth integrated in the structure of the new democratic world.

The Biltmore Programme was adopted as the official policy of the World Zionist Organisation at a meeting of the Inner Zionist General Council held in Jerusalem on November 6th, 1942.

The Jewish Agency's views on the settlement of the Palestine problem were formally communicated to the British Government in a memorandum x) submitted on October 16th, 1944, which incorporated the constitutional provisions of the Biltmore Programme. The main points of the memorandum were the following:

(1) The war is approaching its end, and the Jewish problem in its post-war setting calls for immediate consideration. Of the six million European Jews outside the USSR and the British Isles, probably not more than One-and-a-half million are alive today, and not all yet safe. The Jews in Soviet

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x) Political Report of the London Office of the Executive of the Jewish Agency submitted to the 22nd Zionist Congress, London, 1946, pp. 14 - 17

territory under German occupation have probably lost another million. Even in this war, no other people in proportion to their numbers have suffered such losses, accompanied by such horrors.

(ii) Allied victories are bringing immediate security to the survivors. But the root of the tragedy is the inherent weakness of the position of the Jews as a homeless people. As long as that endures, Hitler's solution of the Jewish problem by extermination will continue to haunt mankind, as nightmare to some, as a temptation to others. To offer to the surviving European Jews, deported and broken, a return to the 'status quo ante', propped up by philanthropic palliatives and paper guarantees, is morally unthinkable ....

(iii) "Some place must be found". Tropical or sub-arctic regions, such as Guiana, Madagascar or Alaska - to mention some recent suggestions - can hardly be seriously considered. The colonisation attempt made in San Domingo has proved a fiasco. Even under the more favourable climatic conditions of Argentine, Southern Russia and Biro-Bidjan, experience has shown that where the national idea and tradition are inoperative, Jewish settlement cannot develop on a large scale for lack of driving power .....

(iv) The renaissance of the Jewish nation is bound up with Palestine. The choice made by destiny cannot be undone. Palestine is the Jewish people's birthplace, and it gave birth to no other. ..... The Jews have never ceased to pray for their return to Palestine. The urge to go back has been continuous, and in every generation practical efforts were made to return. Zionism is a final and determined bid for achievement.

(v) The British people have always been conscious of the unique connection of the Jews with Palestine. From that consciousness the Balfour Declaration was born. But vision and statesmanship have not been translated into administrative practice. Jewish endeavour has received scant encouragement. Official policy has been far more alive to the difficulties of implementing the Mandate than to its creative aim. Step by step the original conception has been whittled down until a complete negation of the primary purpose of the Balfour Declaration and the Mandate was reached in the White Paper of 1939. But Jewish work has attained a stage of development which precludes Palestine from becoming an Arab territory.

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(vii) The Jewish Agency appeals to H.M. Government to inaugurate a new era for Palestine and the Jewish people by drawing a logical conclusion from the Balfour Declaration as originally conceived. At this juncture, they regard as imperative a decision designating Palestine as a Jewish Commonwealth - a country where the Jewish people shall be free to work out its salvation by large scale immigration and by the achievement of full nationhood.

(viii) The Jewish Agency is fully aware of the difficulty with which this policy is fraught as soon as of Arab opposition. But if Arab consent is to be a pre-condition of any political settlement hope must be given up of justice to the Jewish people. The Arabs demand that the Jews should be made a permanent minority in

an Arab Palestinian State, which would become one in a cluster of Arab States. The Jews ask that a Jewish State be estab lished with Palestine west of the Jordan for its territory.... The Arab programme would deny to the Jews a place among the nations, which they could only obtain through Palestine. The Jewish programme would have no such effect upon the Arabs, who are already possessed of many States with enormous undeveloped potentialities. A Jewish minority in an Arab Palestine would be like the Czechs in Greater Germany; but an Arab minority in a Jewish Palestine will not merely have every guarantee of equality of rights, religious freedom, autonomy in cultural and municipal affairs, and a full share in the benefits of developments; the fact that Palestine is surrounded by Arab countries will add to their security. In view of what Great Britain and her Allies have done since 1914, to promote and protect Arab nationhood and independence, Arab objections to the Jews being given full national status in their ancient homeland lack moral validity.....

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(xi) The political programme here set forth requires, first and foremost, the quickest possible increase in the Jewish population. Two things are urgent: to create a Jewish majority in Palestine in order to ensure the effective functioning of the Jewish State, and to rehabilitate the survivors of the European tragedy .....

(xii) For the proper organisation of this immigration, its control should be entrusted to the Jewish Agency .... Detailed plans for absorption are being prepared by the Jewish Agency, comprising reclamation works, irrigation schemes, and projects of intensive agricultural and industrial development. The return of the Jews to Palestine has revolutionised their social structure and the country's economics. Sixty years of trial and error, experiment and achievement, is a firm basis on which to build the edifice of the future. With modern technique and adequate powers, what has been achieved so far can be turned into a lever for further and greater progress.

(xiii) The present is a unique opportunity for righting a historic wrong and solving a burning international problem. Millions of Jews throughout the world are now pinning their age-long hope on an Allied victory. Its fulfilment will bring salvation to the Jewish people, and everlasting credit to Great Britain and her Allies.

Shortly after the submission of this memorandum, Dr Weizmann had a talk with Mr Churchill, who indicated that no decision on the future of Palestine would be made until the war with Germany was over.

On May 23rd, 1945, two weeks after VE Day, the Jewish Agency submitted a further memorandum which, more or less, covered the same ground as that submitted the previous year, but also includ-

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x) Ibid. pp. 17 - 21

ed details of the various irrigation and development schemes which the Agency proposed to pursue, together with proposals for their financing. Among the latter was a demand that Germany pay reparations to the Jewish people as a whole for the resettlement in Palestine of the refugees she had plundered. The memorandum likewise defined the Jewish attitude to the White Paper in the following terms:

> The Jewish people have never accepted and never can accept the moral or legal validity of the White Paper under which Palestine has been governed since the summer of 1939. But they held the fight against Hitler to have first claim upon their energies. During these years, they have seen very large numbers of Jewish lives cruelly sacrificed, many more of which might have been saved had immigration into Palestine been regulated in accordance with the Balfour Declaration and the Mandate. Now that the war is over, the Jewish people can no longer tolerate the continuance of the White Paper, which closes the door of the Jewish National Home against the survivors of the Nazi extermination campaign.

The memorandum closed by summarising the Jewish submissions as follows:

> (a) that an immediate decision be announced to establish Palestine as a Jewish State;
> (b) that the Jewish Agency be invested with all the necessary authority to bring to Palestine as many Jews as it may be found necessary and possible to settle, and to develop, fully and speedily, all the resources of the country - especially land and power resources;
> (c) that an international loan and other help be given for the transfer of Jews to Palestine, and for the economic development of the country;
> (d) that reparations in kind from Germany be granted to the Jewish people for the upbuilding of Palestine, and - as a first instalment - that all German property in Palestine be used for the resettlement of Jews from Europe;
> (e) that international facilities be provided for the exit and transit of all Jews who wish to settle in Palestine.

Mr Churchill acknowledged receipt of this memorandum in a letter to Dr Weizmann dated June 9th, 1945, in which he stated that he saw no possibility of the Palestine question "being effectively considered until the victorious Allies are definitely seated at the Peace Table". This statement was a great disappointment to the Jewish Agency, which had relied on Mr Churchill's earlier undertaking that the Palestine problem would be

dealt with after the defeat of Germany. A possible explanation of the Prime Minister's changed attitude, however, might be in the fact that the Government over which he was presiding at the time was, since the defection of the Labour members from the Coalition Cabinet, merely a "caretaker" for the new Government which was to be elected at the general elections in the following July. Mr Churchill, no doubt, felt it unwise to commit the new Government on a major matter of policy.

The British General Elections of July, 1945, brought the Labour Party into power with an overwhelming majority, and a new era in Palestine's troubled history under British rule began.

CHAPTER IX

THE BEVIN ERA

"Maganamimity in politics is not seldom the truest wisdom: and a great Empire and little minds go ill together".
Edmund Burke.

The triumph of the Labour Party in the British General Elections in July, 1945, was hailed by the Jewish people, regardless of political leaning, with a sigh of relief. Now, it was confidently held, the White Paper would be swept away, for the Labour Party had led the fight against this "breach of a solemn pledge": the refugee camps in Europe would be cleared, for the Labour Party had been bitter in its condemnation of the iniquity of keeping Hitler's victims behind barbed wire: the Jewish State would be proclaimed, for the Labour Party was committed to that policy. The new Government would, in short, fulfil all those pledges of support for Zionist aspirations which had been a main plank of their political platform for nearly thirty years.

In December, 1944, the Labour Party Conference had adopted a series of resolutions on "The Post-War International Settlement" as the basis of their future policy, which, as in previous years, included a statement on Palestine x)

> Here we have halted half-way, irresolute between conflicting policies. But there is surely neither hope nor meaning in a "Jewish National Home" unless we are prepared to let Jews, if they wish, enter this tiny land in such numbers as to become a majority. There was a strong case for this before the war. There is an irresistible case now, after the unspeakable atrocities of the cold and calculated German Nazi plan to kill all Jews in Europe. Here, too, in Palestine, surely is a case, on human grounds and to promote a stable settlement, for transfers of population. Let the Arabs be encouraged to move out, as the Jews move in. Let them be compensated handsomely for their land, and let their settlement elsewhere be carefully organised and generously financed. The Arabs have many wide territories of their own: they must not claim to exclude the Jews from this small area of Palestine, less than the size of Wales. Indeed, we should re-examine also the possibility of extending the present Palestinian boundaries, by agreement with Egypt, Syria, or Transjordan. Moreover, we should seek to win the full sympathy and support both of the American and Russian Government for the execution of this Palestinian policy.

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x) Labour Party Conference Report, London, December 1944.

It will be noted that this resolution goes very much further than anything the Jews had ever proposed. No responsible Zionist spokesman had ever suggested that the Arabs should be transferred out of Palestine - it had always been a cardinal principle of the Zionist programme that there was sufficient room in Palestine for the realisation of the National Home without harming a single Arab. The point is interesting, however, if only as evidence of the fervour of the Labour Party's beliefs while in opposition.

In May, 1945, only two months before Labour came to power, the National Executive of the Party made another statement on Palestine which confirmed their resolution of the previous year. Replying to the debate on Party Policy, Dr. Hugh Dalton (now Chancellor of the Exchequer) said:[x)]

> The National Executive has made its position on this question abundantly and repeadtedly clear. Last December the Conference accepted and welcomed, without even the challenge of a card vote, the document entitled "The Post-war International Settlement." That stands as the policy of this Movement and of this Party, and in that document there is a clear and definite statement regarding the question of Palestine and the Jewish people. This Party has laid it down and repeated it so recently as last April that this time, having regard to the unspeakable horrors that have been perpetrated upon the Jews in Germany and other occupied countries in Europe, it is morally wrong and politically indefensible to impose obstacles to the entry into Palestine now of any Jews who desire to go there...We consider Jewish immigration into Palestine should be permitted without the present limitations which obstruct it, and we also have stated very clearly that this is not a matter which should be regarded as one for which the British Government alone should take responsibility; but as it comes, as do many others, in the international field, it is indispensable that there should be close agreement and co-operation among the British, American and Soviet Governments, particularly if we are going to get a sure settlement in Palestine and the surrounding countries...If we are to get an agreed settlement, if it is to stand firm and unshaken by changes from year to year, it is indispensable that it should be backed and supported by the American and Soviet Governments as well as by the British Government, and in my view steps should be taken in consultation with those two Governments to see whether we cannot get that common support for a policy which will give us a happy, a free and aprosperous Jewish State in Palestine.

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x) Labour Party Conference Report, Blackpool, 1945.

The high hopes which had been aroused by these clear statements of Party policy were speedily dashed to the ground. The Labour Government did nothing beyond agreeing to the continuation of immigration at the rate of 1,500 per month, and showed no evidence of any desire to do anything more except play for time. All efforts to persuade them to disclose their intentions with regard to Palestine and the refugee problem elicited the same stereotyped reply - the Cabinet was studying the question and would make a statement of policy in due course.

The Plea for 100,000 Immigration Certificates

Meanwhile, the end of hostilities in Europe had enabled the Jewish people to assess the magnitude of the tragedy which had overtaken them. Six million Jews had been killed and the whole foundation of Jewish life on the continent destroyed. A pitiful remnant - a little over a quarter of a million - had managed to escape the clutches of the Gestapo in Central and Eastern Europe. These were now roaming the highways and byways in search for their kin, or languishing in refugee camps under the impersonal classification of Displaced Persons. After an exhaustive enquiry into the available facilities for the absorption of new immigrants, the Jewish Agency addressed a communication to the High Commissioner for Palestine in June 18th, 1945, requesting the immediate grant of 100,000 immigration certificates as an interim relief measure to meet the most urgent claims for rehabilitation. No reply was received to this communication. At more or less the same time, Mr. Earl G. Harrison, an expert on refugee questions, had been sent by President Truman to study the problem of Displaced Persons in Europe. On the basis of Mr. Harrison's report, which urged the immediate evacuation of Jewish D.P.'s to Palestine -"there was", in his words, "no decent solution for many European Jews other than Palestine" - President Truman wrote a personal letter to Mr. Attlee on August 31st, 1945, reiterating the Jewish Agency's appeal that the doors of Palestine be opened to 100,000 Jewish D.P.'s in Germany and Austria. The Prime

Minister ~~[illegible]~~ rejected the President's appeal and at the same time suggested American participation in a joint Committee of Enquiry on the whole problem.

However, the grim tale of suffering and misery unfolded in the Harrison Report, together with the increasing bitterness in Palestine at the Labour Party's inexplicable delay in implementing its declared policy - bitterness which on occasion took a violent turn - eventually forced the Government to show its hand. The job was given to the Foreign Secretary, Mr. Ernest Bevin, whose baleful influence has cast its shadow on the Palestine problem ever since. The full text of Mr. Bevin's notorious Statement of Policy on Palestine, delivered in the House of Commons on November 13th, 1945, is reproduced below:

1. His Majesty's Government have been giving serious and continuous attention to the whole problem of the Jewish community that has arisen as a result of Nazi persecution in Germany and the conditions arising therefrom.

2. It is unfortunately true that until conditions in Europe become stable the future of a large number of persons of many races, who have suffered under this persecution, cannot ~~[illegible]~~ finally be determined. The plight of victims of Nazi persecution, among whom were a large number of Jews, is unprecedented in the history of the world. His Majesty's Government are taking every step open to them to try to improve the lot of these unfortunate people. The Jewish problem is a great human one. We cannot accept the view that the Jews should be driven out of Europe and should not be permitted to live again in these countries without discrimination and contribute their ability and talent toward rebuilding the prosperity of Europe. Even after we have done all we can in this respect it does not provide a solution of the whole problem.

3. There have recently been demands made upon us for large-scale immigration into Palestine. Palestine, while it may be able to make a contribution, does not by itself provide sufficient opportunity for grappling with the whole problem. His Majesty's Government are anxious to explore every possibility which will result in giving the Jews a proper opportunity for revival.

4. The problem of Palestine is internationally a very difficult one. The Mandate for Palestine requires the Mandatory to facilitate Jewish immigration, and to encourage close settlement by Jews on the land, while ensuring that the rights and position of other sections of the population are not prejudiced thereby. His Majesty's Government have thus a dual obligation, to the Jews on the one side and to the Arabs on the other.

5. The lack of any clear definition of this dual obligation has been the main cause of the trouble which has been experienced in Palestine during the past 25 years. His

Majesty's Government have made every effort to devise some arrangement which would enable Arabs and Jews to live together in peace and to cooperate for the welfare of the country, but all such efforts have been unavailing. Any arrangement acceptable to one party has been rejected as unacceptable to the other. The whole history of Palestine since the Mandate was granted has been one of continual friction between the two races, culminating at intervals in serious disturbances.

6. The fact has to be faced that since the introduction of the Mandate it has been impossible to find common ground between Arabs and Jews. The differences in religion and in language, in cultural and social life, in ways of thought and conduct are difficult to reconcile. On the other hand both communities lay claim to Palestine, one on the ground of a millenium of occupation and the other on the ground of historic association coupled with the undertaking given in the first World War to establish a Jewish home. The task that has to be accomplished now is to find means to reconcile these divergencies.

7. The repercussions of the conflict have spread far beyond the small land in which it has arisen. The Zionist XX cause has strong supporters in the United States, in Great Britian, in the Dominions and elsewhere; civilization has been appalled by the sufferings which have inflicted in recent years on the persecuted Jews of Europe. On the other side of the picture, the cause of the Palestinian Arabs has been espoused by the whole Arab world and more lately has become a matter of keen interest to their 90 million coreligionists in India. In Palestine itself there is always the risk of disturbances on the part of one community or the other, and such disturbances are bound to find their reflection in a much wider field Considerations not only of equity and of humanity but also of international amity and world peace are thus involved in any search for a solution.

8. In dealing with Palestine all parties have declared commitments. These are the commitments imposed by the Mandate itself, and various statements of policy which have been made by His Majesty's Government in the course of the last 25 years. Further, the United States Government themselves have undertaken that no decision should be taken in respect to what, in their opinion, affects the basic situation in Palestine without full consultation both with Arabs and Jews.

9. Having regard to the whole situation and the fact that it has caused this world-wide interest which affects both Arabs and Jews, His Majesty's Government decided to invite the Government of the United States to co-operate with them in setting up a joint Anglo-American committee of enquiry, under a rotating chairmanship, to examine the question of European Jewry and to make a further review of the Palestine problem in the light of that examination. I am glad to be able to inform the House that the Government of the United States have accepted this invitation.

10. The terms of reference of the committee of enquiry will be as follows:

(i) To examine the political, economic and social conditions in Palestine as they bear upon the problem of Jewish immigration and settlement therein and the wellbeing of the peoples now living therein.

(ii) To examine the position of the Jews in those countries in Europe where they have been victims of Nazi and Fascist persecution, and the practical measures taken or contemplated to be taken in those countries to enable them to live free from discrimination and oppression and to make estimates of those who wish or will be impelled by their conditions to migrate to Palestine or other countries outside Europe.

(iii) To hear the views of competent witnesses and to consult representatives of Arabs and Jews on the problems of Palestine as such problems are affected by conditions subject to examination under paragraph (i) and paragraph (ii) above and by other relevant facts and circumstances, and to make recommendations to His Majesty's Government and the Government of the United States for ad hoc interim handling of these problems as well as for their permanent solution.

(iv) To make such other recommendations to His Majesty's Government and the Government of the United States as may be necessary to meet the immediate needs arising from conditions and examination under paragraph (ii) above by remedial action in the European countries in question or by provision of facilities for emigration to and settlement in countries outside Europe.

11. The procedure of the committee will be determined by the committee themselves and it will be open to them, if they think fit, to deal simultaneously through the medium of sub-committees with their various terms of reference.

12. The committee will be invited to deal with the matters referred to in their terms of reference with the utmost expedition. In complying with the second and fourth paragraphs of their terms of reference, the committee will presumably take such steps as they consider necessary in order to inform themselves of the character and magnitude of the problem created by the war. They will also give consideration to the problem of settlement in Europe and to possible countries of disposal. In the light of these investigations they will make recommendations to the two governments for dealing with the problem in the interim until such time as a permanent solution can be submitted to the appropriate organ of the United Nations.

13. The recommendations of a committee of enquiry such as will now be set up will also be of immense help in arriving at a solution of the Palestine problem. The committee will ~~also~~ in accordance with the first and third paragraphs of their terms of reference make an examination on the spot of the political, economic and social conditions which are at present held to restrict immigration into Palestine and after consulting the representatives of the Arabs and Jews submit proposals for dealing with these problems. It will be necessary for His Majesty's Government both to take action with a view to securing some satisfactory interim arrangement and also to devise a policy for permanent application thereafter.

14. This enquiry will facilitate the finding of a solution which will in turn facilitate the arrangement placing Palestine under trusteeship.

15. So far as Palestine is concerned it will be clear that His Majesty's Government cannot divest themselves of their duties and responsibilities under the Mandate while the Mandate continues. They propose, in accordance with their pledges, to deal with the question in three stages:-

(i) They will consult the Arabs with a view to an arrangement which will ensure that pending the ad interim recommendations which the committee of enquiry will make in the matter there is no interruption of Jewish immigration at the present monthly rate.

(ii) After considering ad hoc interim recommendations of the committee of enquiry, they will explore with the parties concerned, the possibility of devising other temporary arrangements for dealing with the Palestine problem until a permanent solution of it can be reached.

(iii) They will prepare a permanent solution for submission to the United Nations and if possible an agreed one.

16. The House will realize that we have inherited, in Palestine, a most difficult legacy and our task is greatly complicated by the undertakings, given at various times to various parties, which we feel ourselves bound to honour. Any violent departure without adequate consultation would not only afford grounds for a charge of breach of faith against His Majesty's Government but would probably cause serious reactions throughout the Middle East and would arouse widespread anxiety in India.

17. His Majesty's Government are satisfied that the course which they propose to pursue in the immediate future is not only that which is in accordance with their obligations but is also that which in the long view is in the best interests of both parties. It will in no way prejudice either the action to be taken on the recommendations of the committee of enquiry or the terms of the trusteeship agreement which will supersede the existing Mandate and will therefore control ultimately policy in regard to Palestine.

18. His Majesty's Government, in making this new approach, wish to make it clear that the Palestine problem is not one which can be settled by force and that any attempt to do so by any party will be resolutely dealt with. It must be settled by discussion and conciliation and there can be no question of allowing an issue to be forced by violent conflict

19. We have confidence that if this problem is approached in the right spirit by Arabs and Jews not only will a solution be found to the Palestine question, just to both parties, but a great contribution will be made to stability and peace in the Middle East.

20. Finally, the initiative taken by His Majesty's Government and the agreement of the United States Government to co-operate in dealing with the whole problem created by Nazi aggression is a significant sign of their determination to deal with the problem in a constructive way and a humanitarian spirit. But I must emphasize that the problem is not one which can be dealt with only in relation ~~to~~ to Palestine: it will need a united effort by the Powers to relieve the miseries of these suffering peoples.

At the conclusion of his statement Mr. Bevin replied to a number of questions which were put to him by members from all parts of the House. x) Answering a member who asked him whether, as the Mandate was still a British responsibility, it would be carried out until some new policy was adopted, Mr. Bevin said "I would say that this problem has been one of the most baffling in the world, and I appeal to all not to introduce racial feelings. From my point of view I can assure the House that I am struggling to the best of my ability, as Foreign Minister, to solve this problem.....I am sure that this House and Jewry as a whole - apart from the Zionist organization - are anxious to see the final solution. I give my personal assurance, as I gave to one of the Zionist leaders the other day, that I will stake my political future in solving this problem, but not in the limited sphere in which a member presented it to me now." To another member Mr. Bevin said: "The Arabs are meeting me very well. I thank them for it. There is great response - except for one small section among Jewry, and not all Jews are Zionists".

The distinction between Jews, who were presumably good, and Zionists, who were obviously bad, was stressed by Mr. Bevin at a press conference xx) held after the delivery of his statement in the House, and, as the official representative of these Zionists, the Jewish Agency came in for particular condemnation. According to reports of the conference, the Foreign Secretary is reputed to have said angrily: "The Jewish Agency has not used all the available certificates under the White Paper. Their refusal to use the certificates was a political lever in the hope that Britain would change its policy, and this at a time when so much is being said about the suffering of Jews in Europe". Asked about the number of such unused certificates, he said: "It amounted to some two thousand". Mr. Bevin expressed the hope that the new policy would lead to "a new constitution for Palestine - not a Jewish

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x) Parliamentary Debates, House of Commons, November 15th, 1945

xx) Reported in the "Zionist Record", Johannesburg, South Africa November 28th, 1945

State but a Palestine State", and warned the Jews of the danger of a recrudescene of Anti-Semitism if they tried "to get too much to the head of the queue". During the course of the interview, Mr. Bevin is reported to have complained: "We are lectured on every hand and do not get one word of thanks from anybody..."

Jewish Reaction to the Bevin Statement

In the words of the 1946 Political Report of the Jewish Agency:x) "A wave of bitter resentment such as Jewish history has not known in centuries ran through the Jewish people.... Was it conceivable that after all that the Jews had gone through under the Nazi terror, after the slaughter of 6,000,000 ~~XXXXXX~~ of their people, no mercy would be shown even to the remainder now that the great tyranny had sunk in the dust? When it became clear that pleas ~~XXX~~ for mercy and reasoned arguments met with no response, despair set in. It found expression (in Palestine) in acts of violence against British police and Government offices. They were condemned by Jewish public bodies and by the Yishuv generally, but the bitterness which had given rise to them was shared by all. When it was realised that the new Labour Government, in spite of the innumerable statements and declarations made by Labour spokesmen in / previous years, stood by the White Paper policy, hopelessness became general. Mr. Bevin's statement of November 1945 implied the complete abandonment of the National Home policy and the acceptance of assimilation and dispersal as the effective solution to the Jewish problem".

The first authoritative reaction of the Zionist movement to Bevin's statement was made by Mr. David Ben Gurion in an address delivered at an extraordinary session of the Jewish Elected Assembly held on November 28th, 1945.xx)

Mr. Ben Gurion began his analysis of the Bevin statement by saying that it was "drafted with such adroitness that it might be quoted to various parties in proof of different and ~~conflicting conclusions". To the Labour party which, "an un-~~

x) Political Report of the Jerusalem Office of the Jewish Agency 1946, p.3

xx) Published as a pamphlet, "Reply to Bevin". London

deniable fact", was "pledged to a definite policy in Palestine in support of the Jewish National Home", a Government spokesman MM could say that the statement was in no way in conflict with that policy: It did, after all, envisage the continuation of immigration beyond the White Paper limits, a thing which the Labour Party had demanded; it did reiterate that His Majesty's Government had no intention of divesting themselves "of the duties and responsibilities of the Mandate" while the Mandate continued; and its proposal to set up an Anglo-American Committee of Inquiry to recommend a final solution might dispose of the contention that the Jewish State, to which Labour was committed, was not mentioned. The Jews also had no reason to feel dissatisfied: The statement might be said to show a laudable consideration for Jewish suffering; it paid tribute to "their ability and talent"; it pledged His Majesty's Government's assistance in improving the lot of the Jews in Europe; while not mentioning the White Paper, it did not definitely rule out the prospect of further immigration (although the Arabs would be consulted on this question); and it gave a hint that the permanent solution, which was to be provided by the United Nations, might not be unfavourable owing the strong support the Zionist cause had in international circles. The Arabs should also feel comforted by Mr. Bevin's words: "Firstly, the White Paper is maintained, in fact, if not by name"; the continuation of immigration within the White Paper limits of 1,500 per month should not alarm them, for it would be subject to their consent; nor should they fear a Jewish State, for that, according to Mr. Bevin, had never been promised. In the same way there was nothing in the terms of reference of the Anglo-American Committee of Inquiry which should cause them unease, because, before the Committee was even appointed, "its conclusions had been pre-judged in advance" by the statement that "Palestine, while it may be able to make a contribution, does not in itself provide sufficient opportunity

for grappling with the whole problem".

"However, this camouflage of ambiguous verbiage cannot completely disguise the overriding purpose behind Mr. Bevin's statement". This was apparent in not only what the statement contained, but evenmore plainly in what it omitted. "These omissions, which cannot be accidental, are very illuminating and significant indeed". The first omission was the absence of any "mention of the principles and ideals to which the Labour Party had been pledged so long" - for example, their demand for the establishment of a Jewish State made only a few months previously. Mr. Ben Gurion then drew attention to further significant omissions:

> .....
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> There are other essential and revealing omissions in the statement. It speaks of "Jewish community", of Jews, but the term "Jewish people" which was used in the Balfour Declaration, the Mandate, even in the white Paper of 1939, is studiously avoided. Mr. Bevin's statement mentions that while the Mandate continues the Government cannot divest themselves of their duties and responsibilities under the Mandate. But the first principle of the Mandate is its recognition of the existence and rights of the Jewish people as such, and it is thus that it is always referred to and not as a community of anonymous Jews. In Mr. Bevin's statement there is no mention of the Jewish people. This is not merely a matter of proper style of address; it is indicative of a whole policy. Instead of a Jewish people entitled to national rights and a will of its own, there are individual Jews who become, as it were, an object of Mr. Bevin's philanthropy. But it is not only the Jewish people - the "Jewish National Home" has disappeared as well. Even the 1939 white Paper invariably referred to the Jewish National Home. But Mr. Bevin's statement only mentions a "home" for Jews, not a National Home for the Jewish people.
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> At his press conference Mr. Bevin said that he had read all the documents relating to Palestine. He added that he had also read the Bible and the Koran. But he had searched and could not find anywhere a promise of a Jewish State. Evidently he has not read the whole of the Bible. Evidently, too, he had not read quite all of the documents, not even such an authoritative document as the Report of the Palestine Royal Commission which had already prepared for the British Government a most searching enquiry into the Palestine problem and into British obligations under the Balfour Declaration and the Mandate. The principal finding of the Royal Commission was that a Jewish State was envisaged by the authors of the Balfour Declaration, and, indeed, its principal recommendation which was accepted by the British Government, was for the establishment of a Jewish State, but Mr. Bevin says it was never thought of.

Despite his avowed familiarity with all the relevant documents, Mr. Bevin seems never even to have come acros the statement made by President Wilson in March, 1919, in which he declared: 'I have expressed my personal approval of the declaration of the British Government regarding the aspirations and historic claims of the Jewish people in regard to Palestine.....the Allied Nations, with the fullest concurrence of our Government and people, are agreed that in Palestine shall be laid the foundations of a Jewish Commonwealth".....

Another "remarkable lacuna in Mr. Bevin's statement" was his summing up of the "whole history of Palestine since the Mandate was granted" in one brief sentence. "This whole history, according to him, was one of 'continual friction between the two races'". "Has nothing else", asked Mr. Ben Gurion, "occurred in Palestine since 1920? Mr. Bevin's history of Palestine evidently did not include any mention of "the transformation of Palestine, the reclamation of many of its wastes, this great feat of reconstruction achieved by a small and poor people in a neglected land, which has few parallels anywhere and perhaps stands unique in the history of the world between the two wars". Mr. Bevin, in short, denied everything that Zionist enterprise had brought to Palestine, including the raising of the Arab standard of living.

But there is one cardinal omission which is perhaps the pivot of the whole new policy. The statement professes great pity for the Jews and for the plight of Nazi victims. Unfortunately we saw no evidence of this pity at the time when the Nazis were slaughtering millions of Jews and when many of their victims could have been saved were the refuge of Palestine not closed in their faces. Nor could I discover much evidence of sympathy with the suffering of the Jewish survivors during my recent visit to the Bergen Belsen camp in the British zone.....While the Bevin statement is full of humanitarian protestations, it completely disregards the root cause of our age-long sufferings - the homelessness of the Jewish people. For the authors of the statement the Jewish problem seems to have begun with the Nazi persecution 12 years ago. According to them it would appear that before 1933 there was peace and happiness for the Jews throughout the world, that they were not persecuted, that there were no pogroms, that the Jewish communities were not assaulted in almost every European country. Mr. Bevin knows only of the Nazi persecution in Europe.....Jewish distress is not confined to Europe. It did not begin with the Nazis, it has not ended with their fall, and it will never be relieved until its root cause is cured - the homelessness and the universal minority status of the Jewish people. This is the fundamental motive which impelled the Jews to start their return to Palestine long before the

Nazis were ever heard of, this was the mainspring of their great constructive effort in Palestine, and the source of the international recognition for Jewish national aspirations embodied in the Balfour Declaration and the Mandate.

Turning to those aspects of the new policy which were specifically admitted in Mr. Bevin's statement, Mr. Ben Gurion drew attention to the distinction which had been made between Jews and Zionists: "For he (Mr. Bevin) declares war on Zionists, whilst paying compliments to Jews, as if they were two different breeds. He tries to muster against Zionism the few Jewish dissidents and renegades, the quislings of the Jewish National cause..... He tries to represent the whole problem of Palestine as a matter of kindness, he is even prepared to seek other homes outside Palestine. That is why he makes a distinction between Jews generally, who he thinks would show proper gratitude for his generosity, and Zionists who are obstinate enough to demand a national status for the Jewish people and who insist that the Jewish people are entitled to a homeland, freedom and nationhood, like every other nation in the world".

To bolster up his case against the Jewish National Home Mr. Bevin had introduced a number of red herrings of which not even the authors of the 1939 White Paper had thought. The most notable of these was the keen interest of the 90,000,000 Moslems of India in the fortunes of their co-religionists in Palestine. This was manifest nonsense. x)

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x) Sir Ronald Storrs in his autobiography (Orientations, London, 1939, p. 88) discloses that the introduction of the Moslems of India into the affairs of the Middle East had long been a tradition of British diplomacy: "The supposed indignation of 'His Majesty's sixty million loyal loyal Indian subjects', who appeared alternatively under the journalese disguise of 'Moslem susceptibilities', delayed many reforms in the Near and Middle East, kept several million Orthodox Christians as 'Rayahs' (oppressed Ottoman subjects) under Ottoman domination, and helped to paralyse intervention in the torture and massacre of countless innocent Armenians."

The Moslems of India had interests other than those of a people of whom they had never heard - for example, "their en misery and the servitude in which they live", under British rule. Mr. Bevin had also made use of the same arguments employed by Mr. Malcolm MacDonald when defending his White Paper, namely that the authors of the Balfour Declaration had ignored the existence of the Arab population of Palestine, and that in any case, the Arabs had never agreed to the establishment of the Jewish National Home. These arguments had been exploded before by Mr. Amery and Mr. Churchill in the White Paper Debate in the House of Commons,[x] and ~~per~~ by the perhaps unfortunate existence of agreements and letters signed by the Emir Feisal on behalf of the Arabs after the last war.[xx]

Mr. Ben Gurion then defined "the essence of the new policy as it stands revealed when stripped of all camouflage":

> "Bevin's policy is one of double repudiation: the scrapping of both the White Paper and Zionism at the same time. From the Jewish point of view, this policy goes very much further than the White Paper: It not only dismantles the National Home: it declares war on the very idea of Zionism. It tries to drive a wedge between 'Jews' and 'Zionists'. It ignores the fundamental Jewish problem - homelessness. Instead of reunion, it promotes dispersal and assimilation - reduces the whole Jewish people to a condition of sufferance. From the Arab point of view, this policy is a retreat from the White Paper: It repudiates the White Paper's promise that at the end of ten years the country would become an independent Palestinian State with a two-thirds Arab majority - that is, for all practical purposes, an Arab State. It lays down a new objective: International Trusteeship instead of the Mandate: but in order to compensate the Arabs for the cancellation of the undertaking to establish a Palestinian State, the Statement throws over all the pledges and undertakings made to the Jews by the Balfour Declaration, the Mandate, the

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x) See p.
xx) See p.

League of Nations, the Labour Party, the two great American political Parties and the President of the United States. The policy is a clear attempt - whether it will succeed or not is another matter - to do away with the Jews as a nation and to recognise only the existence of dispersed Jewish communities, to be either objects of charity for other peoples or targets for their pogroms. The main innovation in the Statement is that it defines a new role for Palestine: Not a Jewish State, not an Arab State, but a permanent British possession to serve as a base for the British forces driven out by the Arabs of Egypt, Iraq and Syria. It aims at making Palestine a second Malta, an Asiatic Malta on the Eastern shore of the Mediterranean Sea - a sort of Crown Colony under the modern title of International Trusteeship.

"To justify this policy its authors magnify and emphasize the alleged irreconcilable conflict between Jews and Arabs. They mobilise the Arab League and endeavour to drive a wedge into the Jewish camp. At the same time, in order to quieten public opinion in America, to ease the conscience of the Labour Party, and to soothe the 'good' Jews, hints of additional immigration are thrown out. But to delay the need for action, long investigations are being inaugurated into the absorptive capacity of Palestine and into the position of the Jews in Europe . Even before these enquiries have bee set on foot, however, it is announced in advance that Palestine is incapable of solving the problem of the Jewish survivors in Europe. And before any conclusions have been reached by the Committee of Enquiry it is laid down in advance that in the third and final stage of permanent solution "the trusteeship agreement... will supersede the existing Mandate and will therefore control ultimately policy in regard to Palestine". This in practice means the continuation of British rule without any of the irksome pledges and duties of the Mandate.

Mr. Ben Gurion concluded his address by giving the Jewish reply to Mr. Bevin:

We have no desire to be killed. We want to live. We believe, despite the teachings of Hitler and his disciples among various nations, that the Jews too have the right to live as individuals and as a people, just as the British and other peoples have. But there are things which, like the British, we value even more dearly than life itself, things for which we are willing to die rather than surrender: freedom of Jewish immigration to Palestine, the right to build the wastes of our homeland, the national independence of our people in its own country.

The official Zionist standpoint on the Bevin policy was expressed in a statement issued by the Executive of the Jewish Agency on December 12th, 1945, in the following terms:

Spokesmen of the Jewish Agency for Palestine in Jerusalem, London, and New York have already expressed profound disappointment with the Statement made by the British Foreign Secretary in the House of Commons on November 13th, 1945. The Executive of the Jewish Agency, after a careful study of the document at its plenary session in Jerusalem, declares:

1. Mr. Bevin's statement maintains the policy of the White Paper of 1939 which was condemned by the competent international authority as a violation of the Mandate and was repudiated by the ~~Jewy~~ British Labour Party as a breach of faith. It limits Jewish immigration into Palestine, for an indefinite period, to an insignificant monthly quota, and even regarding that figure, provides for the consultation of parties having no lawful competence in the matter and pledged to oppose any Jewish immigration. It leaves intact the land law which closes the greater part of the country to Jewish settlement and represents a measure of racial discrimination against Jews without parallel in the democratic world.

2. The statement contemplates a revision of the British Government's policy at some future stage following upon the report of an Anglo-American Commission of Enquiry. Such more direct participation of the United States in the solution of the Palestine problem would have been welcomed were it not for the fact that the attitude of the British Government on fundamental issues, as indicated in the statement, is calculated to prejudge the revision in a sense diametrically opposed to the policy of the Balfour Declaration and the Mandate. The true character of the Jewish problem, which arises from the homelessness of the Jewish people as such, is ignored. The age-old Jewish question is torn out of its historic context and reduced, in time, to the period of the Nazi persecution: in space, to liberated Europe: and, in substance, to the relief of displaced Jewish individuals in that continent -- and this at a time when, as demonstrated by recent outbreaks in Tripoli and elsewhere, the position of Jews in many a land is more precarious than it has ever been. But even the solution of the problem of the homeless Jews in Europe is vitiated in advance. The issue is not left to be decided by their own free choice. The findings of the Committee of Inquiry, too, are one-sidedly forestalled. For the statement of the Foreign Secretary rules that Palestine by itself is not capable of grappling even with that limited problem. Regardless of the perils involved it insists that new openings for Jewish survivors should be found first of all in Europe. Of those who are determined to be evacuated only a part is to be allowed to settle in Palestine. For the rest a new dispersion in overseas countries is urged. The policy, to which the British Government pledged itself in the Balfour Declaration and the Palestine Mandate, sprang from the recognition that the Jewish problem can be effectively solved only by the greatest possible concentration of Jews in Palestine and the restoration of Jewish nationhood. The statement of the Foreign Secretary implies the abandonment of that comprehensive solution.

3. The policy embodied in the White Paper and still enforced by His Majesty's Government is a violation of the Palestine Mandate. That Mandate, which was determined by the Governments of fifty-two nations, constitutes the sole legal warrant for the authority exercised by His Majesty's Government in Palestine. If that basis of legality is abandoned the rule of His Majesty's Government in Palestine is reduced to one of force alone. Laws and administrative acts repugnant to the terms of the Mandate can have no legal validity in view of the limitations imposed on the Mandatory by Article One of the Mandate.

4. The Jewish Agency regards the statement of the Foreign Secretary as irreconcilable with the Balfour Declaration and the obligations imposed on His Majesty's Government by the Mandate. It reaffirms its uncompromising opposition to the policy of the White Paper, whether in its original or in any modified form. It upholds the moral title of every Jew impelled by material or spiritual urge to settle in Palestine as of right. It reiterates its fundamental conviction that the reestablishment of the Jewish Commonwealth of Palestine is compatible with the full protection and promotion of the interests of its Arab inhabitants and with the development of friendly relations with the neighboring States.

6. The Jewish people must reject any political settlement of Palestine which deprives it of its basic and internationally recognised rights, makes the entry of Jews into their homeland contingent on the good-will of others and condemns them in Palestine to the minority position which has been the source of Jewish suffering and degradation in other lands. The Jewish Agency calls upon men of goodwill in all lands to support the Jewish people in its effort to rid itself of the curse of homelessness and oppression. The Jewish people will not abandon its struggle for the attainment of its full nationhood and for a new life of national freedom and dignity in its own country. It will spare no effort and sacrifice until the restoration of the Jewish Commonwealth of Palestine has been achieved.

The Anglo-American Committee of Enquiry

The Committee, which operated under a rotating chairmanship, was composed of six American and six British members whose names were announced in Washington and London on November 15th, 1945, as follows:

American members	British Members
Judge Joseph C. Hutcheson (Chairman)	Sir John E. Singleton (Chairman)
Mr. Frank Aydelotte	Mr. Wilfred P. Crick
Mr. Frank W. Buxton	Mr. R.H.S. Crossman, M.P.
Mr. Bartley C. Crum	Sir Frederick Leggett
Mr. James G. MacDonald	Lord Morrison
Mr. William Phillips	Major R.E. Manningham-Buller, M.P.

In accordance with Mr. Bevin's announcement in the House of Commons on November 13th, 1945, to which President Truman had agreed, the terms of the reference of the Committee were the following:

(i) To examine the political, economic and social conditions in Palestine as they bear upon the problem of Jewish immigration and settlement therein and the well being of the peoples now living therein.

(ii) To examine the position of the Jews in those countries in Europe where they have been the victims of Nazi and Fascist persecution, and the practical measures taken or contemplated to be taken in those countries to enable them to live free from discrimination and oppression and to make estimates of those, who wish or will be impelled by their conditions to migrate to Palestine or other countries outside Europe.

(iii) To hear the views of competent witnesses and to consult representatives of Arabs and Jews on the problems of Palestine as such problems are affected by conditions subject to examination under paragraph (i) and paragraph (ii) above and by other relevant facts and circumstances, and to make recommendations to His Majesty's Government and the Government of the United States for ad hoc interim handling of these problems as well as for their permanent solution.

(iv) To make such other recommendations to His Majesty's Government and the Government of the United States as may be necessary to meet the immediate needs arising from conditions and examination under paragraph (ii) above by remedial action in the European countries in question or by provision of facilities for emigration to and settlement in countries outside of Europe.

In the Preface to their Report, x) the Committee stated:

> The Governments urged upon us the need for the utmost expedition in dealing with the subjects committed to us for investigation, and requested to be ~~[illegible]~~ furnished with our Report within one hundred and twenty days of the inception of our Inquiry.

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x) Report of the Anglo-American Committee of Enquiry regarding the problems of European Jewry and Palestine, Lausanne, 20th April, 1946. Published in London as Command Paper 6808 on May 1st, 1946.

The Committee began to take evidence in Washington on January 7th, 1946 and, after public sessions and investigations in England (London), Germany, Poland, Czecho-Slovakia, Austria Italy, Greece and Egypt (Cairo), arrived in Jerusalem on March 6th. The sessions in Palestine were interspersed with personal visits by members of the Committee to various parts of the country, and by visits of sub-committees to the capitals of Syria, Lebanon, Iraq, Saudi Arabia and Transjordan. The Committee left Palestine on March 28th, and concluded its deliberations in Switzerland. Their Report was presented to the British and American Governments on April 20th, and published on May 1st, 1946.

Evidence before the Committee

"The Jewish case before the Committee was opened by Dr. Weizmann on March 8th in a lengthy address in which he dealt with the problems of Jewish homelessness, anti-Semitism, the refugee question, the historical connection of the Jewish people with Palestine, Jewish achievements in the country, its absorptive capacity, the whittling down of the Mandate, and the relations between Jews and Arabs. The presentation of the political case of the Jewish Agency was continued by Mr. Ben Gurion and Mr. Shertok. Mr. Ben Gurion offered a comprehensive analysis of the Jewish problem and explained the urgency of the Zionist demand for a Jewish Commonwealth. Mr. Shertok dealt in particular with the problem of Jewish-Arab relations and with the efforts made in the past to reach an understanding with the Arab world." x)

Jewish Agency economic and industrial experts gave evidence on the economic absorptive capacity of Palestine, and presented a detailed scheme for the reception of 1,000,000 immigrants in the course of ten years. Mr. J. L. Savage and

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x) Political Report of the Jerusalem Office of the Jewish Agency, 1946, p. 49.

and Mr. James P. Hays, American ~~technical experts~~ engineers, testified in a closed session on an irrigation and hydro-electric power scheme which, by making use of the waters of the River Jordan and the particularly favourable topography of the country, would further the economic development of not only Palestine, but the whole Middle East. x)

The principal Arab witnesses were Azzam Pasha, Secretary-General of the Arab League and Jamal Husseini, Deputy-Chairman of the Arab Higher Committee. Additional testimony was presented by other Palestine Arab leaders and by the rulers of the various Arab States (notably by King Ibn Saud). The Arab testimony boiled down to a demand for an Arab State into which Jewish immigration would be prohibited and Jewish purchase of land made illegal. Much effort was expended in trying to frighten the Committee with hints of the possible alienation of Arab affections if Great Britain or America adopted a pro-Zionist policy. All the Arab witnesses demanded the return of the ex-Mufti of Jerusalem, who had escaped from Germany to Egypt, to Palestine. The ex-Mufti's record of active support for the Nazis during the war was proudly described as patriotism. The one dissenting voice in the Arab chorus was provided by the Archbishop of the Maronite Church in the Lebanon, who claimed that the Christian majority of that country supported Jewish reconstruction in Palestine.

The Palestine Government also presented a case in a long report on the administration of Palestine under Mandatory rule. Owing to the tendentious nature of this report, it was not published until the Committee had left the country, by

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x) This scheme - for a Jordan Valley Authority on the lines of American T.V.A. - had been originally outlined by Dr. Walter Clay Lowdermilk, Assistant Chief of the U.S. Soil Conservation Service, in "Palestine, Land of Promise", published by Gollancz, London, 1944.

which time the Jewish Agency representatives, who had been permitted to read only a small part of it, had no opportunity of refuting the bulk of the many distortions and mis-statements which it contained.

The Report of the Anglo-American Committee of Enquiry

The Committees Report is a ten chapter document, of which the first contains ten unanimous Recommendations with explanatory comment for the solution of the problems presented in the terms of reference. The Recommendations are as follows

Recommendation No. 1

We have to report that such information as we received about countries other than Palestine gave no hope of substantial assistance in finding homes for Jews wishing or impelled to leave Europe.

But Palestine alone cannot meet the emigration needs of the Jewish victims of Nazi and Fascist persecution. The whole world shares responsibility for them and indeed for the resettlement of all "Displaced Persons."

We therefore recommend that our governments together, and in association with other countries, should endeavour immediately to find new homes for all such "Displaced Persons," irrespective of creed or nationality, whose ties with their former communities have been irreparably broken.

Though emigration will solve the problems of some victims of persecution, the overwhelming majority, including a considerable number of Jews, will continue to live in Europe. We recommend therefore that our governments endeavour to secure that immediate effect is given to the provision of the United Nations Charter calling for "Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

Recommendation No. 2

We recommend (A) that 100,000 certificates be authorized immediately for the admission into Palestine of Jews who have been the victims of the Nazi and Fascist persecution; (B) that these certificates be awarded as far as possible in 1946 and that actual immigration be pushed forward as rapidly as conditions will permit.

Recommendation No. 3

In order to dispose, once and for all, of the exclusive claims of Jews and Arabs to Palestine, we regard it as essential that a clear statement of the following principles should be made:-

I. That Jews shall not dominate Arab and Arab shall not dominate Jew in Palestine. II. That Palestine shall be neither a Jewish state nor an Arab state. III. That the form of government ultimately to be established, shall, under International Guarantees, fully protect and preserve the interests in the Holy Land of Christendom and of the Moslem and Jewish faiths.

Thus Palestine must ultimately become a state which guards the rights and interests of Moslems, Jews and Christians alike: and accords to the inhabitants, as a whole, the fullest measure of self-government, consistent with the three paramount principles set forth above.

Recommendation No. 4.

We have reached the conclusion that the hostility between Jews and Arabs and, in particular, the determination of each to achieve domination, if necessary by violence, make it almost certain that, now and for some time to come, any attempt to establish either an independent Palestinian state or independent Palestinian states would result in civil strife such as might threaten the peace of the world. We therefore recommend that, until this hostility disappears, the Government of ~~[illegible]~~ Palestine be continued as at present under mandate pending the execution of a Trusteeship Agreement under the United Nations.

Recommendation No. 5.

Looking towards a form of ultimate self-government, consistent with the three principles laid down in Recommendation No. 3, we recommend that the Mandatory or Trustee should proclaim the principle that Arab economic, educational and political advancement in Palestine is of equal importance with that of the Jews, and should at once prepare measures designed to bridge the gap which now exists and raise the Arab standard of living to that of the Jews; and so bring the two peoples to a full appreciation of their common interest and common destiny in the land where both belong.

Recommendation No. 6.

We recommend that pending the early reference to the United Nations and the execution of a trusteeship agreement, the Mandatory should administer Palestine according to the Mandate which declares with regard to immigration that " the administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions."

Recommendation No. 7.

(A) We recommend that the Land Transfers Regulations of 1940 be rescinded and replaced by regulations based on a policy of freedom in the sale, lease or use of land,

irrespective of race, community or creed; and providing adequate protection for the interests of small owners and tenant cultivators. (B) We further recommend that steps be taken to render nugatory and to prohibit provisions in conveyances, leases and agreements relating to land which stipulate that only members of one race, community or creed may be employed on or about or in connection therewith. (C) We recommend that the Government should exercise such close supervision over the Holy Places and localities such as the Sea of Galilee and its vicinity as will protect them from desecration and from uses which offend the conscience of religious people; and that such laws as are required for this purpose be enacted forthwith.

Recommendation No. 8.

Various plans for large-scale agricultural and industrial development in Palestine have been presented for our consideration; these projects, if successfully carried into effect, could not only greatly enlarge the capacity of the country to support an increasing population, but also raise the living standards of Jew and Arab alike.

We are not in a position to assess the soundness of these specific plans; but we cannot state too strongly that, however technically feasible they may be, they will fail unless there is peace in Palestine. Moreover their full success requires the willing co-operation of adjacent Arab States, since they are not merely Palestinian projects. We recommend therefore, that the examination, discussion and execution of these plans be conducted, from the start and throughout, in full consultation and co-operation not only with the Jewish Agency but also with the governments of the neighboring Arab States directly affected.

Recommendation No. 9.

We recommend that, in the interests of the conciliation of the two peoples and of general improvement of the Arab standard of living, the educational system of both Jews and Arabs be reformed including the introduction of compulsory education within a reasonable time.

Recommendation No. 10.

We recommend that, if this report is adopted, it should be made clear beyond all doubt to both Jews and Arabs that any attempt from either side, by threats of violence, by terrorism, or by the organisation or use of illegal armies to prevent its execution, will be resolutel suppressed.

Furthermore, we express the view that the Jewish Agency should at once resume active co-operation with the Mandatory in the suppression of terrorism and of illegal immigration, and in the maintenance of that law and order throughout Palestine which is essential for the good of all, including the new immigrants.

Jewish Reaction to the Report

Jewish reception of the Report of the Anglo-American Committee of Enquiry was mixed. The Jewish Agency, in a statement x) issued on May 1st, 1946, welcomed the two Recommendations as to immediate policy - the earliest possible admission to Palestine of 100,000 Jewish refugees and the repeal of the 1940 Land Transfers Regulations - as a recognition, albeit minimal, of the justice of the Jewish case. On the other hand, the Committee had failed to advance any solution for the main problem:

> As the Committee itself admits, the transfer to Palestine of 100,000 Jews does not solve the problem of the victims of Nazi persecution in Europe, let alone meet the immigration needs of Jews in other lands. It states that "the number of Jews with whom we have to deal, far exceeds 100,000", also that "we know of no country to which the great majority can go in the immediate future other than Palestine. Furthermore, that is where almost all of them want to go." xx) But the Committee fails to provide for their needs, or for those of Jews in other parts of the world whose position is no less insecure, just as it fails to realise the core of the whole problem.
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> The terms of reference of the Committee limited its investigations to the Continent of Europe and to Palestine. The central problem of the homeless and stateless Jewish people has been left untouched by its Report. The solution of that problem was aimed at in the Balfour Declaration and the Mandate, approved by the League of Nations, and the U.S.A. Congress. They provided for the reconstitution of a National Home for the Jewish people. It is the firm conviction of the Jewish Agency and of the overwhelming mass of Jews throughout the world, that the National Home cannot really be secured save within the framework of the Jewish State.

Nevertheless, as the Agency said in a later statement xxx) of its views on June 16th, 1946, made at the request of the British and American Governments "they would be fully prepared to discuss with the Governments of the United Kingdom and the United States the various aspects of the problems of Palestine and the Jewish people and any matters arising out of the recommendations of the Committee.....after the

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x) Quoted in "New Judaea", London May 1946, pp. 149-150

xx) This statement is quoted from the Comment on Recommendation No. 2 of the Report, p. 2

xxx) Political Report of the Jerusalem Office of the Jewish Agency, 1946, p. 52.

primary recommendation.....that the first 100,000 Jewish refugees from Europe be enabled to reach Palestine immediately has been implemented in good faith".

Rejection of the Report

The accommodating spirit displayed by the Jewish Agency, was, however, unappreciated. If the Jews had been disappointed with the Committee's findings, the British Government were more so. In spite of Mr. Bevin's prejudging of the case in his statement of November 13th, 1945, and in spite of all the efforts made by the Foreign Office x) to ensure an anti-Zionist Report, the Committee had made certain most irksome positive recommendations. Any hopes, however, that these recommenations might be implemented by the Labour Government were speedily dissipated by the Prime Minister in a statement made in the House of Commons xx) on the very day that the Report was published:

> His Majesty's Government desire to express their appreciation for the care and trouble which the Commitee have devoted to the preparation of the Report. They hope that it will prove to be a notable contribution to the solution of the problems of Palestine and of the Jews in Europe, both of which they have so much at heart. His Majesty's Government received the Report only last weeek. His Majesty's Government and the United States Government jointly appointed the Committee, and the Report is addressed to both Governments. His Majesty's Governments are now studying it and will consult with the Government of the United States as soon as possible.
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> The Report must be considered as a whole in all its implications. Its execution would entail very heavy immediate and long term commitments. His Majesty's Government wish to be satisfied that they will not be called upon to implement a policy which would involve them single-handed in such commitments, and in the course of joint examination they will wish to ascertain to what extent the Government of the United States would be prepared to share the resulting additional military and financial responsibilities.

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x) A full description of the behind the scenes intrigue which accompanied the Committee's deliberations is provided by Mr. Bartley Crum, an American member of the Committee, in his "Behind the Silken Curtain", published by Simon and Schuster, New York, 1947.

xx) Mr. Attlee, Parliamentary Debates, House of Commons, May 1st, 1946

> The Report recommends that 100,000 certificates for the admission of Jews to Palestine should be authorised immediately, and awarded so far as possible in 1946, and that actual immigration should be pushed forward as rapidly as conditions permit. The practical difficulties involved in the immediate reception and absorption of so large a number would obviously be very great. It is clear, from the facts presented in the Report regarding illegal armies maintained in Palestine and their recent activities, that it would not be possible for the Government of Palestine to admit so large a body of immigrants unless and until these formations have been disbanded and their arms surrendered. As the Report points out, private armies constitute a danger to the peace of the world and ought not to exist. Jews and Arabs in Palestine alike must disarm immediately. The Committee have drawn attention to the failure of the Jewish Agency to cooperate in dealing with this evil, and have expressed the view that the Agency should at once resume active and responsible cooperation with the mandatory power. His Majesty's Government regard it as essential that the Agency should take a positive part in the suppression of these activities. They hope that both Jewish and Arab leaders will give counsels of patience and restraint. His Majesty's Government recognise that decisions must be taken as soon as possible, but meanwhile the House will understand that I am unable to make any further statement.

Mr. Attlee was, of course, not quite accurate in saying that the Report could only be implemented as a whole. One recommendation, and only one, has been implemented since the Report was published. This is Recommendation No. 7 (c), which requests the Government to "exercise such close supervision over.....localities such as the Sea of Galilee and its vicinity as will protect them from desecration and from uses which offend the conscience of religious people". The reference is to a German-owned "Lido" on the Galilee sea-shore at which dancing took place to swing music played over loud speakers. This has since been prohibited.

The Aftermath ——————→

Nearly one year has passed since Mr. Attlee rejected the unanimous Report of the Anglo-American Committee of Enquiry. It has been a year of bitterness, of frustration, of violence and of repression in Palestine; a year of fruitless negotiation in London in which the Labour Government made it plain that they meant, ifpossible, to destroy the Jewish

National Home in defiance of, not only the international obligations into which Great Britian had entered after the first World War, but of their own solemnly pledged word. And in the Background, casting their gaunt shadows over the whole scene, were the grim spectres of Europe - tens of thousands of Jewish D.P.'s who, nearly two years after the end of the war, were still held in concentration camps.

Palestine

The aspect of Palestine these past twelve months has been that of an armed camp. The British Government, according to Mr. Churchill, is engaged in "a squalid war with the Jews" and evidences of it - barbed wire, tanks, guns, masses of armed troops, curfews, martial law - are apparent throughout the country. The objectives of this war are twofold: To break the resistance of the Jews of Palestine to the Government's hostile policy, and to prevent, by all means possible, any increase of the Jewish population of Palestine above the limits prescribed in the 1939 White Paper.

An attempt to attain the first objective was made on June 29th, 1946, when the Army occupied the offices of the Jewish Agency in Jerusalem and arrested four members of the Executive who were detained in a prison camp for four months. Simultaneous swoops were made on a number of Jewish settlements and in the offices of prominent Jewish institutions in Tel Aviv. In this operation several thousand persons, mainly farmers, were arrested and held in detention camps, five Jews were killed and scores injured. Property - farm buildings, water supplies, offices - was wantonly ravaged.

The attack on the Jewsih Agency was a political failure of the first magnitude. Instead of stilling Jewish resist-

ance to the continued application of the White Paper policy, it only served to stiffen it. Nevertheless, the Army, which has to all intents and purposes taken over the administration of the country, has not taken a lesson from this reverse. Military operations against the Jews have continued without a break, culminating in the recent imposition of martial law over a large part of Jewish Palestine (March, 1947) which was only lifted when the results were found to be not commensurate with the effort expended.

The second objective of the Government's "war" against the Jews is the so-called illegal immigration. Ever since the end of the war, when it became clear to the Jews that the Labour Government had no intention of permitting the immigration into Palestine of the Jewish D.P.'s in Europe, a constant stream of broken-down unseaworthy boats had been making their way to the shores of Palestine, filled from bow to stern with hundreds of Jewish refugees from the concentration camps. This traffic ~~has~~ increased in volume since the rejection of the Report of the Enquiry Committee. In order to combat this 'illegal' immigration, the Government ~~has~~ mobilised huge forces of the Army, the Royal Navy and the Royal Air Force to intercept the refugee ships and intern their passengers in camps in Palestine until their turn came for release under the 1,500 monthly immigration quota. On August, 13th, 1946, however, the Government announced that refugees arriving without certificates would not be allowed to enter Palestine, but would be sent "to Cyprus or elsewhere" pending a decision as to their future. The text of the accompanying statement, which was couched in particularly insulting language, is as follows x) (as reported by Reuters):

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x) "The Palestine Post", Jerusalem, August 13th, 1946

(in Bibliography):

Continuance of illegal immigrant traffic at the present time, the statement says, is likely to have an adverse effect on the hope of a general settlement in Palestine. In announcing this decision, the British Government wish to make it clear that while they cannot tolerate this attempt by a minority of Zionist extremists to exploit the sufferings of the unfortunate people in order to create a situation prejudicial to a just settlement, they are deeply sensible of the sufferings undergone by the Jewish community and are anxious to bring them to an end as soon as possible.

The statement adds that recent developments had revealed illegal immigrant traffic as a " widely ramified and highly organised movement supported by very large financial contributions from Zionist sources, which has been built up and put into operation by unscrupulous persons in an attempt to force the hand of the British Government and anticipate their decision on future policy in Palestine.

Underground Railway

The organisers maintain a closely knit network of agents in countries of Eastern and Southern Europe by whom considerable numbers of Displaced Jews are moved from points of departure as far distant as Poland down to the Mediterranean seaboard. Thence, herded into overcrowded and unseaworthy ships with insufficient food and in conditions of utmost privation and squalor, they are brought across the Mediterranean, inspired by the conviction carefully instilled into them that this is their only road to safety.

In all this process, the laws and regulations of the countries concerned are ignored; identity and ration cards, travel documents, etc, are forged on a large scale; food, clothing, medical supplies and transport provided by UNRRA and other agencies for the relief of suffering in Europe, are diverted to the maintenance of what is openly described as "the underground railway to Palestine".

The other points made were: illegal immigration threatens both civil war and a breakdown of the Government in Palestine.

From Eastern Europe

The British Government was concerned at the reports of prosecution and pogroms against the Jews in Eastern and South-Eastern Europe, and hoped that the countries concerned would "bring this shame to a sharp and decisive end".

The statement also expressed concern that a large proportion of those immigrants came from Eastern Europe and not from Displaced Persons centres in Germany, Austria and Italy, which it was hoped to empty..

Illegals

The statement added: Apart from its illegality, immigration and traffic to Palestine is a source of grave danger to law and order in Palestine. The reception and guarding of large numbers of illegal immigrants

places a severe strain on the administration. Their arrival has greatly increased the tension between the Arab and Jewish communities in Palestine. And, since there is evidence that the terrorist element among the Jews has been reinforced from the ranks of illegal immigrants, their promiscuous introduction clearly cannot be tolerated any longer. As the mandatory Power for Palestine, His Majesty's Government have responsibilities towards the population of that country.

It is obviously not in the interests of Palestine generally that such illegal activities be allowed to continue.

The recent increase in illegal immigration, which sets aside considerations of priority and equity, the statement continues, is also operating with great unfairness towards those Jews who would otherwise have been able to enter Palestine legally under the quota. All potential legal immigration has been pushed aside by this illegal traffic.

The statement recalls that the British Government has accepted as basis for negotiation the plan drawn up by the British and American experts in London, which is designed to provide for increased immigration into Palestine under conditions which would not disturb the peace and economy of the country.

Giving the background of their decision about illegal immigration into Palestine, the British Government in their statement say:

Not a country in the world has been a better or more consistent friend of the Jewish people than Britain Wherever Jews were persecuted, the voice of Britain was lifted in protest, and wherever possible action was taken to mitigate their lot.

The statement says that under the British Mandate, nearly 500,000 Jews settled legally in Palestine. In December 1945, the quota of 75,000 Jewish immigrants permitted to enter Palestine under the provisions of the White Paper, was exhausted. Nevertheless, pending final decision on the future policy for Palestine, the British Government authorised the continuance of Jewish immigration at the rate of 1,500 monthly.

Yet there has been an increasing flow of illegal immigration and their numbers have to be set off against the monthly quota. Those already held in camps in Palestine or on ships in Haifa Harbour are more than sufficient to absorb the whole quota for many months ahead. Moved by sympathy for the suffering of the Jewish people in Europe, the British Government have hitherto allowed illegal immigrants to land, in spite

of the great embarrassment caused to the Palestine authorities.

The patience, forebearance and humanity thus shown by the British Government has, however, been interpreted by those responsible for the traffic as a sign of weakness and as an encouragement to redouble their efforts to increase the flow of illegal immigrants still further.

Harmonising Claims

A point has now been reached when it is clear that the present illegal traffic is not, as has been maintained, a movement arising spontaneously among European Jews who see in Palestine their only hope for the future. Nor are those who encourage and direct it inspired solely by the sympathy which is so widely felt for their suffering.

Concluding, the statement says: It is clear that a permanent solution of this complicated question can only be brought about if Jews and Arabs are prepared to enter upon discussion in a realistic and constructive spirit in order to evolve a practical scheme for harmonising the claims of these two historic peoples.

The slanderous attacks on "the minority of Zionist extremists"- "unscrupulous persons" who were trying to force the hand of the British Government and not, apparently, to save the lives of their kin - were bitterly resented in Palestine. As the Jewish Agency's reply to the Government statement expressed it:

It ill behoves the Government which starts by barring the way of Jewish immigrants to their homeland, to justify this act by the so-called defence of the rights of legal immigrants, or pretend anxiety about the conditions under which the refugees are reaching Palestine. It was through the merciless limitation of immigration to the arbitrary number of 1,500 monthly that "illegal" immigration, with all the hardships connected with it, has developed.

The Jewish Agency accused the Government "of appeasing the ex-Mufti of Jerusalem, who was one of the chief instigators of the extermination of six million Jews, and who incited the Arabs to fight Britain and her Allies". (The ex-Mufti had recently escaped - in suspicious circumstances - from house detention in France to Egypt, where he was now living as the guest of King Farouk). The Agency's reply concluded with a clear intimation that the immigration of refugees, whether they had certificates or not, would be

encouraged and supported by Jews the world over:

> The Jewish people must consider this step by the British Government against the most unfortunate of their sons and daughters an act of great cruelty. The attempt made in the Government statement to divide the Jewish "extremists" and "moderates" will not succeed. All the 600,000 Jews of Palestine and Jews the world over will, as they have done in the past, give all their support to any Jew seeking to return to his homeland. x)

The protests were, of course, unavailing. Every refugee ship intercepted since then has been towed into Haifa harbour, and its unfortunate passengers herded by force on to prison ships for deportation to Cyprus. The deportations have, on occasion, been accompanied by resistance and consequent loss of life among the refugees. There are now (April, 1947) some 14,000 Jewish refugees interned in Cyprus - for many of them the eighth successive year behind barbed wire for no greater crime than their membership of the Jewish race.

The British Government, in order to put a stop to what they have described as the "inhuman" methods used in rescuing the D.P.'s, started negotiations in August, 1946, with various European states - notably Poland, Czecho-Slovaki France, and Italy - with the object of halting the movement of refugees at the source. These negotiations, which have not been attended with overmuch success, culminated on April 23rd, 1947, in a note to the Secretary-General of the United Nations in which the 54 other member States were requested to prevent ships carrying "illegal" immigrants from using their ports.

The Development of British Policy

A clear pointer to the ultimate direction of British policy with regard to Palestine was given by Mr. Bevin in a speech delivered at the Labour Party Conference at Bournemouth on

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x) Quoted in "The New Judaea", London, July/August, 1946, p. 169

June 12, 1946.[xx] Mr. Bevin's main thesis was once again, that

> He could not accept the view that Jews should be excluded from Europe or any other continent. He knew they had had all the terrible horrors of the gas chamber, but when they had done all they could in Palestine, there would still be many Jews left unplaced. He must strive that notwithstanding the anti-Semitic feeling that Hitler had created, and he was afraid this applied also to Poland and other countries, that a man who observed the laws of the country of his adoption and who was a citizen of that country, whether he was a Jew or not, must enjoy all the rights of that country, as he did in England.
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> He could not accept the theory that because a man was a Jew he must be hounded out of a country. What he would strive for was to bring him back on terms of equality with all the other citizens.

In Mr. Bevin's view, the problem of Palestine was international, and he had "come to the conclusion that a mere wiping out of the White Paper does not lead very far." Having thus disposed of Labour critics who had attacked him for not implementing the Party policy with regard to the White Paper, Mr. Bevin then proceeded to dispel any illusions that the Government had ever had any intention of adopting the Anglo-American Enquiry Committee's Report: "If we put 100,000 Jews in Palestine tomorrow", he said, "I would have to put another division of British troops there, I am not prepared to do it. There was also the tremendous financial issue involved, and the British Exchequer could not take on the responsibility of another £200 million expenditure on Palestine". Not content with these two distortions of fact (it was later pointed out to him that the non-admission of 100,000 Jews to Palestine would require more than an extra division, and that the Zionist enterprise had not benefited from a penny's worth of support from the British Exchequer), the British Foreign Secretary next proceeded to offer a

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xx) Reported in "The Palestine Post", Jerusalem, Aug. 13, 1946

a gratuitous insult to President Truman by saying that "the agitation in the United States, and particularly in New York, for 100,000 Jews to be put into Palestine" was due to the fact that "they do not want too many of them in New York".

The First Proposal - the Morrison Plan

Mr. Bevin had, perhaps advisedly, been a bit premature in his disclosure that the British Government had not intention of admitting 100,000 Jews to Palestine as had been recommended by the Anglo-American Committee. The Government had another tactic to pursue and on its rejection, which was certain, could then come out in the open. This new tactic was a plan for cantonisation, which had been worked out by an Anglo-American Committee of experts which had been appointed by the Prime Minister and the President respectively to examine the Enquiry Committee's Report and make recommendations as to future policy. The results of the expert committee's deliberations, called the "Provincial Autonomy Plan", were submitted to the House of Commons by Mr. Herbert Morrison on 31st July, 1946: Mr. Morrison commenced by saying that the experts had come to the conclusion that Palestine could not solve the refugee question by itself and that, therefore, efforts must be made to enable Jews to re-establish themselves in Europe. Those who could not do so would, it was hoped, be cared for by the future International Refugee Organisation. An appeal would also have to be made to member governments of the United Nations to assist in solving the problem. Mr. Morrison then went on to deal with the specific problem of Palestine, as follows:

> In formulating a new policy for Palestine, the expert delegations accepted as a basis the principles laid down in the third recommendation of the Anglo-American Committee, that Palestine as a whole can be neither a Jewsih nor an Arab State, that neither of the two communities in Palestine should dominate the other, and that the form of Government should be such as to

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safeguard the interests in the Holy Land of both Christendom and the Moslem and Jewish faiths.

The expert delegations argue as follows: The political aspirations of the two communities in Palestine are irreconcilable. The conflict which these aspirations have provoked is so bitter, that there is little hope of securing within any reasonable period ~~[illegible]~~ that measure of co-operation between Arab and Jew which would make possible the establishment in Palestine of a unitary system of Government, consistent with these basic principles, in which each people played its part. The only chance of peace, and of immediate advance towards self-governing institutions, appears to lie in so framing the constitution of the country as to give to each the greatest practicable measure of power to manage its own affairs. The experts believe that, in present circumstances, this can best be secured by the establishment of Arab and Jewish Provinces, which will enjoy a large measure of autonomy under a central Government.

It is their proposal that, for this purpose, Palestine shall be divided into four areas, an Arab Province, a Jewish Province, a District of Jerusalem, and a District of Negeb. The Jewish Province would include the great bulk of the land on which Jews have already settled and a considerable area between and around the settlements. The Jerusalem District would include Jerusalem, Bethlehem and their immediate environs. The Negeb District would consist of the uninhabited triangle of waste land in the South of Palestine beyond the limits of cultivation. The Arab Province would include the remainder of Palestine; it would be almost wholly Arab in respect both of land and population. The provincial boundaries would be purely administrative boundaries, defining the area within which a local legislature would be empowered to legislate on certain subjects and a local executive to administer its laws. They would have no significance as regards defence, customs, or communications, but, in order to give finality, the boundaries, once fixed, would not be susceptible of change except by agreement between the two Provinces. A provision to this effect would be embodied in any trusteeship agreement, and in the instrument bringing the plan into operation.

The provincial governments would have power of legislation and administration within their areas with regard to a wide range of subjects of primarily provincial concern. They would also have power to limit the number and determine the qualifications of persons who may take up permanent residence in their territories after the introduction of the plan. The provincial governments would be required by the in-

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(x) Proposals for the Future of Palestine, July, 1946 - February, 1947. Published by H.M. Stationery Office as Command Paper 7044.

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strument of government which establishes the fundamental law to provide for the guarantee of civil rights and equality before the law of all residents, and for the freedom of interterritorial transit, trade and commerce. The provincial governments would have the necessary power to raise money for the purpose of carrying out their functions.

There would be reserved to the Central Government exclusive authority as to defence, foreign relations, Customs and Excise. In addition, there would be reserved initially to the Central Government exclusive authority as to the administration of law and order, including the police and courts and a limited number of subjects of all-Palestine importance. The Central Government would have all powers not expressly granted to the provinces by the instrument of Government. An elected Legislative Chamber would be established in each Province. An executive, consisting of a chief Minister and a Council of Ministers, would be appointed in each Province by the High Commissioner from among the members of the Legislative Chamber after consulation with its leaders. Bills passed by the Legislative Chambers would require the assent of the High Commissioner. This, however, would not be withheld unless the Bill is inconsistent with the instrument of Government, whose provisions would afford safeguards for the peace of Palestine and for the rights of minorities

It would also be necessary to reserve to the High Commissioner an emergency power to intervene if a provincial government fails to perform, or exceeds, its proper functions. The executive and legislative functions of the Central Government would initially be exercised by the High Commissioner, assisted by a nominated Executive Council. Certain of the departments of the Central Government ~~XXXXX~~ would be headed, as soon as the High Commissioner deems practical, by Palestinians. The High Commissioner would establish a Development Planning Board and a Tariff Board composed of representatives of the Central Government and of each province. In the Jerusalem District, a council would be established with powers similar to those of a municipal council. The majority of its members would be elected, but certain members would be nominated by the High Commissioner. The Negeb District would be administered, for the time being, by the Central Government.

This plan for provincial autonomy would greatly simplify the problem of Jewish immigration into Palestine. Though final control over immigration would continue to rest with the Central Government, this control would be exercised on the basis of recommendations made by the provincial government. So long as the economic absorptive capacity of the province was not exceeded, the Central Government would authorise the immigration desired by the provincial government. It would have no power to authorise immigration in excess

of any limitations proposed by the provincial governments. Thus, though the Government of the Arab Province would have full power to exclude Jewish immigrants from its province, the Jewish Province would, normally, be able to admit as many immigrants as its Government desire

At the conclusion of his statement Mr. Morrison announced that the British Government proposed inviting representatives of the Jews and Arabs to discuss the problem on the basis of the plan worked out by the expert delegations, which would, it was thought, permit of the immigration of 100,000 Jews into Palestine in the space of twelve months.

Jewish opinion was practically unanimous in rejecting the Morrison Plan. "It was evident that this limited cantonisation scheme was designed to perpetuate the existing British regime by conceding a very limited and unreal measure of local self-government to Jews and Arabs in parts of the country. All vital concerns, including in particular immigration, would in effect remain subject to British control. The area of Jewish 'self-government' (approximately 15% of the total area of Palestine west of the Jordan) would be restricted to a narrow belt of the country, so that all further Jewish development would be effectively checked and there would be no chance for any significant Jewish immigration." x)

American opinion was also unfavourable to the new plan. President Truman refused to give his immediate assent, as had been expected in London, and recalled the American expert delegation for consultations with the six American members of the Anglo-American Committee of Enquiry. As a result of their joint deliberations, President Truman, in a statement issued on October 4th, announced that he refused to accept the Morrison proposals, and repeated his declaration in favour of the admission of 100,000 Jews to Palestine. The U.S. President also suggested that a scheme for the "establishment of a viable Jewish State in an adequate area of Palestine", which had been submitted to him by the Jewish Agency, was worthy of consideratio

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x) Political Report of the Jerusalem Office of the Jewish Agency, 1946, p. 56

In the meantime, the Executive of the Jewish Agency, excluding the four members who were still under detention in Palestine, had been in session in Paris where, after full discussion, they rejected the Morrison Plan as a basis for discussion in the proposed Palestine Conference. In view, however, of the desperate situation of the Jewish people and of the urgent need for an immediate and lasting settlement in Palestine, they decided to "make a supreme sacrifice" and declared themselves ready "to discuss a scheme for the establishment of a viable Jewish State in an adequate area of Palestine". The contents of this resolution were conveyed to the Colonial Secretary, Mr George Hall, by Dr Weizmann on August 15th, 1945, and confirmed the next day in the following letter: x)

> ..... The Executive .... has decided that it cannot participate in any discussion based on the proposal as outlined in the House of Commons by the Lord President of the Council, Mr Herbert Morrison. It was pointed out that the Jewish Agency would be prepared to participate in the Conference if the establishment of a Jewish State in an adequate area of Palestine is the purpose of the discussion.

The British Government refused to accept this condition, and likewise demanded the right to approve the composition of the Jewish delegation to the Conference. The Jewish Agency, thereupon, announced that it was unable to participate, and the Conference opened on September 9th, 1946 in the absence of any Jewish delegation.

The Second Proposal - the Bevin Plan

The Palestine Conference was held in two parts, neither of which were attended by Jewish representatives. The first part lasted for about six weeks from September 9th, 1946, during which the Arab delegations rejected the Morrison plan, and submitted a plan of their own calling for the immediate establishment of an independent Arab State wherein Jewish immigration and

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x) Quoted in "The New Judaea", London, September, 1946, p. 217

land purchase would be prohibited and full rights of citizenship would be granted to only a limited proportion of the existing Jewish population.[x)] During the second part of the conference, from the beginning of 1947 until the first week of February, unofficial consultations were held with representatives of the Jewish Agency.

On February 7th, 1947, Mr Bevin submitted a series of proposals [xx)] to the Arab delegation at the Conference and to the representatives of the Jewish Agency. These proposals, which became known as the Bevin Plan, provided for the setting up of an independent Palestine State after a five-year period of Trusteeship. This state would be split up into a number of "areas of local administration" in each of which there would be "a substantial majority either of Arabs or of Jews..... As the local administrative boundaries would not have the character of State frontiers, it would not necessarily follow that all the Arab or all the Jewish territory need be contiguous". The local administrations in each area would be given "a wide range of powers, legislative, administrative and financial, including some share in responsibility for the Police". They would also have control over land transfers. Supreme legislative and executive authority would, however, continue to be exercised by the British High Commissioner, who "would endeavour to form an Advisory Council so composed as to include representatives, not only of the Arab and Jewish local Administrations, but also of labour and other organised interests".

The plan provided for Jewish immigration for two years at the monthly rate of 4,000, or 96,000 in all. "During the remainder of the period of Trusteeship, the continuance of immigration, and the rate of entry would be determined, with due regard to the principle of economic absorptive capacity, by the High Commissioner in consultation with his Advisory Council; and in the event of disagreement the final decision would rest with an arbitration tribunal appointed by the United Nations".

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x) Proposals, Cmd. 7044, pp. 9 - 11
xx) Ibid. pp. 11 - 14

If Mr Bevin thought that there was a chance of either side accepting his extraordinary proposal to split up Palestine into a patchwork quilt of semi-autonomous administrations, he was soon to be disappointed. The Arabs rejected the plan outright as falling short of their demands for an independent Arab State: The Jews were no less emphatic. In the words of the Jewish Agency reply x) to the Government proposals:

> There are three vital interests which the Executive of the Jewish Agency seeks to preserve in any settlement that may be devised for the solution of the Palestine problem. These are: -
>
> A. Freedom of Jewish immigration into Palestine up to the country's economic absorptive capacity.
> B. Freedom to settle on the land, including State lands and waste lands not required for public purposes, and to develop the country's potentialities.
> C. Freedom to develop the Jewish National Home to the position of a self-governing independent Jewish State.....
> ..... . The proposals contained in the memorandum are incompatible with all three basic purposes of the Mandate: Immigration, Land Settlement, and ultimate Statehood.

On the question of immigration, the Jewish Agency pointed out that the immigration of 96,000 Jews in two years was a retreat from the Morrison Plan's proposal for 100,000 in one year. They reminded the Government that twenty months had passed since the appeal for the immigration of 100,000 Jews to Palestine immediately had first been put to them. There was also no guarantee, and little hope that Jewish immigration would continue after the end of the five-year Trusteeship

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x) Quoted in "The New Judaea", London, February-March, 1947, p. 91 - 92

period, as the country would then be under Arab domination. As to Land, "the obligation of the Mandatory Power to encourage close settlement by Jews on the land is not limited to any area of Palestine, but applies to the whole country". The Agency was therefore unable to accept any plan which confirmed the Jews to the limited and scattered areas proposed by Mr Bevin. The constitutional proposal - for the establishment of an independent State after five years of Trusteeship - was likewise unacceptable, as it would leave the Jews in a permanent minority in an Arab State with all the dangers that that implied.

The Agency then proceeded to outline three alternative suggestions for the solution of the problem, which had been submitted to and rejected by the British Government:

(a) That, in accordance with the original intentions of the Balfour Declaration and the Mandate, large scale Jewish immigration and settlement should be effected, with the result that Palestine would become a Jewish State...

(b) That if, for any reason, His Majesty's Government is not prepared at this stage to adopt a decision as to the ultimate status of Palestine and would prefer for the time being to continue the Mandatory regime, the Jewish Agency would urge that the execution of the Mandate should be true to its letter and spirit, viz., that Jewish immigration be regulated up to the full extent of the country's economic absorptive capacity, that close settlement of Jews on the land be encouraged, and that no part of the country be closed to Jewish land purchase and settlement.....

(c) That, in the event of a final settlement being required immediately, the Jewish Agency would be ready, as stated by the Executive in its letter to His Majesty's Government of August 16th, 1946, and again in the recent talks, to consider a compromise scheme for the setting up of a "viable Jewish State in an adequate area of Palestine" .....

Palestine before the United Nations

On February 18th, 1947, Mr Bevin announced in the House of Commons x) that his latest plan had been "rejected outright by both the Arab delegation and the representatives of the Jewish Agency even as a basis for discussion", and that as the British Government "were faced with an irreconcilable conflict of principles", they had "reached the conclusion that the only course now open to them was to submit the problem to the United Nations."

We intend to place before them an historical account of the way in which the British Government have discharged their trust in Palestine over the last 25 years. We shall explain that the Mandate has proved to be unworkable in practice and that the obligations undertaken to the two communities in

x) Parliamentary Debates, House of Commons, February 18th, 1947

Palestine have shown themselves to be irreconcilable.

We shall describe the various proposals which have been put forward for dealing with the situation, namely, the Arab plan, the Zionist aspirations, so far as we have been able to ascertain them, the proposals of the Anglo-American Committee, and the various proposals which we ourselves have put forward.

We shall then ask the United Nations to consider our report and recommend a settlement of the problem. We do not intend ourselves to recommend any particular solution.

The Foreign Secretary amplified his statement of the British Government's intentions in a lengthy speech made on February 25th, 1947, x) during the debate on Palestine in the House of Commons. The speech was remarkable for both its ignorance and its cynicism. It was replete with distortions, half-truths and downright misstatements of fact. It revealed neither sympathy for - this perhaps should not have been expected - nor understanding of the plight of the Jewish people; the whole problem of Palestine was reduced to the easing of the sufferings of a persecuted religious minority. The main points made by Mr Bevin were the following:

(1) The White Paper of 1939, although condemned by the Labour Party while in opposition, could not be abrogated because it was an international "undertaking of the British Parliament" to the Arab States. It was "a question of keeping one's word", and Mr Bevin "would be reluctant to remain Foreign Secretary for five minutes" if undertakings of this nature were torn up with a change of Government. Mr Bevin made no mention, of course, of the international undertakings which Britain had made to the world in the Balfour Declaration and the Mandate, or of Mr Herbert Morrison's declaration of May 23rd, 1939, that "this cynical breach of pledges" could not be automatically binding on the then Government's successors in office.

(2) The Government "might have been able to do more for the Jews" in the matter of immigration had not "the bitterness which surrounds this problem ... been increased by American pressure" .... A person named Earl Harrison went out to their zone in Germany collecting certain information, and a report was issued. I must say that it really destroyed the basis of good feeling that we - the Colonial Secretary and I - were endeavouring to produce in the Arab States, and it set the whole thing back". Not

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x) Ibid, February 25th, 1947

only had the Americans (and particularly their President) set the thing back by sending the Dean of the Pennsylvania University Law School to report on the true facts of the tragic situation of the Jews in Europe, but they had also destroyed all hope of Jewish cooperation by playing politics. "On the Day of Atonement, or a special day of the Jewish religion, my right hon. Friend the Prime Minister telephoned me at midnight and told me that the President of the United States was going to issue another statement on the 100,000..... In international affairs I cannot settle things if my problem is made the subject of local elections".....

(3) Mr Bevin was unable to give "an accurate definition" of the word "National" in the phrase "Jewish National Home" because "Balfour is dead". The Foreign Secretary had previously claimed to have read every word that had been written on the subject of Palestine.

(4) The Jews had no right to be represented in the United Nations because, in Mr Bevin's view, they were a religion and not a race; "Are we in the United Nations as a religion, are we in the United Nations as a people geographically situated, or how are we in it?" Mr Bevin had also evidently not read the Mandate for Palestine which recognises "the historical connection of the Jewish people (not religion) with Palestine and the grounds for reconstituting their national (not religious) home in that country".

(5) The partition of Palestine into a Jewish State and an Arab State was impossible as it would be indefensible to leave a minority of 360,000 Arabs in the Jewish State. On the other hand, Mr Bevin seemed quite willing to leave a permanent Jewish minority in his proposed Palestine State which, in effect, would be an Arab State.

(6) "There are a million displaced persons in Europe and nobody wants them..... what is a million people out of 4,000 million in the world". If the Jews would leave Zionism on one side, that is, if they gave up trying to settle the age-old Jewish problem, and "brought the matter back to this contribution to the relief of European suffering, which was where His Majesty's Government originally started to deal with it, then there is a chance of a solution."

The problem of Palestine is now before the United Nations. There is, however, reason to doubt if the decisions of the special session of the General Assembly of the United Nations which is to meet in May will be accepted by the British Government. As Mr Ben Gurion said in his address to the Jewish National Council on April 1st, 1947:[x]

x) David Ben Gurion, "The Yishuv and the Zionist Struggle, (an address delivered to the Jewish National Council on April 1st, 1947), Jerusalem, 1947, p. 9

> The Foreign Secretary did not say if his Government would consider itself bound by the decision of the United Nations, and this important omission was, naturally, not merely fortuitous. The decisions of the United Nations Assembly are not binding on individual Governments, whether passed by a two-thirds majority or even unanimously.
>
> The British Government reserve to themselves the liberty to adopt the same course regarding the decisions of the United Nations as they did regarding the Report of the Anglo-American Committee.

This scepticism has been amply confirmed. On April 4th, a British spokesman at Lake Success announced that Great Britain reserved the right to reject any United Nations decision on the future of Palestine if it was not to its liking. Explaining his statement, the spokesman declared that Britain could not give a "blank cheque", since there was no knowing what the fifty-five nations might decide. x) This announcement was repudiated the next day by the Foreign Office spokesman in London who said that the British representative at Lake Success had been misunderstood. The position was made quite clear, however, when Lord Hall (a former Colonial Secretary) declared in the House of Lords xx) on April 23rd that he "could not conceive of the Government carrying out a policy of which it did not approve". British intentions seem apparent. In the opinion of some observers, they do not propose to give up their hold on Palestine, but, in order to give some semblance of legality to a continued occupation, they will endeavour to get the United Nations to agree to a Trusteeship agreement on the lines of the Mandate but without that document's irksome obligations to the Jewish people.

Nevertheless, the problem of Palestine, which is the problem of the Jewish people, has been put before the United Nations. The Arabs, with their five member states, will have ample opportunity to present their case before this international forum: The Jews have no voice in the Councils of the World, and must wait like beggars at the gate for a chance to speak.

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x) Reported in "The Palestine Post", Jerusalem, April 6th, 1947

xx) Parliamentary Debates, House of Lords, April 23rd, 1947

As Mazzini, the liberator of Italy, warned the Italian people:

> Without a country, you have no name, no identity, no voice, no rights, no membership in the brotherhood of nations - you remain just the bastards of humanity. Soldiers without a flag, Jews in a world of Gentiles, you will win neither trust nor protection. You will have no sponsors.

It is to remedy this, that the Jewish people should forever be homeless and stateless and dependent on others for their very right to live, that Zionism exists.